C8

TOWN OF CHELMSFORD

WARRANT FOR
ANNUAL TOWN ELECTION
APRIL 4, 2006

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, VIZ:

Precinct 1.	Town Offices Gymnasium, 50 Billerica Road
Precinct 2.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 3.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 4.	Westlands School Cafetorium, 170 Dalton Road
Precinct 5.	Byam School Cafetorium, 25 Maple Road
Precinct 6.	Westlands School Cafetorium, 170 Dalton Rd
Precinct 7.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 8.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 9.	Town Offices Gymnasium, 50 Billerica Road

On Tuesday, the 4th day of April, 2006 being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their votes for the following officers:

Two Selectman for three years;

One School Committee Member for three years;

Two Library Trustees for three years;

One Library Trustee for unexpired one year;

One Board of Health Member for three years;

Three Planning Board Members for three years;

TOWN OF CHELMSFORD

WARRANT FOR
ANNUAL TOWN ELECTION
APRIL 4, 2006

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, VIZ:

Precinct 1,	Town Offices Gymnasium, 50 Billerica Road
Precinct 2,	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 3,	Clara Byron Elementary, Second Gymnasium, 120 Richardson Road
Precinct 4,	Westlands Second Gymnasium, 170 Dalton Road
Precinct 5,	Byam School Cafeteria, 75 Maple Road
Precinct 6,	Westlands Sixth Gymnasium, 170 Dalton Rd
Precinct 7,	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 8,	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 9,	Town Offices Gymnasium, 50 Billerica Road

On Tuesday, the 4th day of April, 2006 being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their votes for the following offices:

Two Selectmen for three years;

One School Committee Member for three years;

Two Library Trustees for three years;

One Library Trustee for unexpired one year;

One Board of Health Member for three years;

Three Planning Board Members for three years;

One Sewer Commissioner for three years;

One Sewer Commissioner for unexpired one year;

One Cemetery Commissioner for three years;

One Housing Authority Member for five years;

and to bring in their votes for the following:

Fifty-four Representative Town Meeting Members for three years in Precincts 1 through 9

And various additional Representative Town Meeting Members:

1 Representative Town Meeting Member for an unexpired one year term in Precinct 2

1 Representative Town Meeting Member for an unexpired two year term in Precinct 2

1 Representative Town Meeting Member for an unexpired two year term in Precinct 3

1 Representative Town Meeting Member for an unexpired one year term in Precinct 4

1 Representative Town Meeting Member for an unexpired two year term in Precinct 4

and to meet in the Senior Center, 75 Groton Road, North Chelmsford, on Monday, the twenty-fourth day of April, at 7:30 p.m. in the evening, then and there to act upon the following articles, VIZ:

ARTICLE 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to meet bills from previous years; or act in relation thereto.

SUBMITTED BY: **Town Manager**

One Sewer Commissioner for three years;

One Sewer Commissioner for unexpired one year;

One Cemetery Commissioner for three years;

One Housing Authority Member for five years;

and to bring to their voice for the following:

Fifty-four Representative Town Meeting Members for three years in Precincts 1 through 6

And various additional Representative Town Meeting Members:

1 Representative Town Meeting Member for an unexpired one-year term in Precinct 1

1 Representative Town Meeting Member for an unexpired two year term in Precinct 2

1 Representative Town Meeting Member for an unexpired two year term in Precinct 3

1 Representative Town Meeting Member for an unexpired one year term in Precinct 4

1 Representative Town Meeting Member for an unexpired two year term in Precinct 4

and to meet in the Senior Center, 75 Grove Road, North Chelmsford, on Monday, the twenty-fourth day of April, at 7:30 p.m. in the evening, then and there to act upon the following articles, viz:

ARTICLE 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 2. To see if the Town will vote to take and appropriate or transfer from available funds a certain sum of money with which to meet bills from previous years; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 3. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used to fund certain one-time costs associated with the collective bargaining award of the Massachusetts Joint Labor Management Committee for patrol officers of the Town working in the Police Department ; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 4. To see if the Town will vote to amend the Fiscal Year 2006 operating budget under Article 8 of the Annual Town Meeting held on April 25, 2005 and amended by Article 7 of the Annual Fall Town Meeting held on October 17, 2005 as follows:

Decrease Line Item # 4 Nashoba Assessment by a certain sum.
Increase Line Item # 5 Public Safety Personnel by a certain sum.

and that the Town raise and appropriate or transfer from available funds a certain sum to defray Town charges for the fiscal period July 1, 2004 to June 30, 2005 to fund certain one-time costs associated with the collective bargaining award of the Massachusetts Joint Labor Management Committee for firefighters and fire captains of the Town working in the Fire Department ; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 5. To see if the Town will vote, in accordance with G.L. c.41, section 108, to set an annual stipend for the salary and compensation of the following elected officials in the town:

- Chairman of the Board of Selectmen: $ 2,000.00
- Member of the Board of Selectmen: $ 1,500.00
- Member of the Board of Health: $ 600.00
- Member of the Cemetery Commission: $ 100.00
- Town Moderator: $ 300.00
- Constable: $ 50.00 per posting

or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 6. To see if the Town will vote to transfer from the Stabilization Fund $1,900,000 to be used to offset a portion of debt and interest in the Fiscal Year 2007 Budget; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 7. To see if the Town will vote to raise and appropriate, or transfer from available funds, such sums of money as may be required to defray Town charges for the fiscal period July 1, 2006 to June 30, 2007; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 8. To see if the Town will vote to raise and appropriate, or transfer from available funds, a certain sum of money for the FY07 budget for the Sewer Enterprise Fund, or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds, a certain sum of money for the purpose of funding the sand purchase approved by the Town under Article 4 of the 1998 Special Town Meeting held on April 27, 1998; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 10. To see if the Town will vote to raise and appropriate; or transfer from available funds a certain sum of money to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 11. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 2007. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip program. Expenditures from the Senior Trip program revolving fund shall be limited to a certain sum during Fiscal Year 2007; or act in relation thereto.

SUBMITTED BY: **Town Manager**
Council on Aging

ARTICLE 12. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Police Department for Fiscal Year 2007. The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to a certain sum during Fiscal Year 2007; or act in relation thereto.

SUBMITTED BY: **Town Manager**
Police Department

ARTICLE 13. To see if the Town will vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E1/2 for the Inspection Department for Fiscal Year 2007. The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to a certain sum during Fiscal Year 2007; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 14. To see if the Town will vote to appropriate a certain sum of money for the following capital projects:

Projects Listed by Functional Category			FY2007
Municipal Administration			
Planning & Development			
	Geographic Information Systems	$	40,000.00
Municipal Administration Subtotal			**$40,000.00**
Public Safety			
Police Department			
	Cruiser Replacement		$170,928.00
Fire Department			
	Replace Engine 5 (1987)		$303,713.00
Public Safety Subtotal			**$474,641.00**
Public Works			
Highway Division			
	6 Wheel Dump Truck, 2 chassis		$110,000.00
	Drainage Improvements		$100,000.00
	Sidewalk Construction		$100,000.00
	1/2 ton pickup truck replacement (1984)		$26,500.00
Department of Public Works Subtotal			**$336,500.00**

Community Services			
	Library		
	Computer Replacement		$30,000.00
Community Services Subtotal			**$30,000.00**
Town-wide Technology			
Information Technology			
	Centralized Technology Study & Phase I Implementation	$	200,000.00
Town-wide Technology Subtotal			**$200,000.00**
Municipal Facilities			
School Projects			
	Elementary School Chalkboard Replacements	$	50,000.00
	South Row Floor Tile Replacement	$	90,000.00
	South Row Parking Lot, Curbs & Sidewalks	$	100,000.00
	High School Roof	$	750,000.00
	School Projects Subtotal		**$990,000.00**
Fire Stations			
	North Station Roof	$	25,000.00
	West Station Roof	$	25,000.00
	Fire Stations Subtotal		**$50,000.00**
Municipal Facilities Projects Total			**$1,040,000.00**
Public Education			
	Computer Lab/ Classroom Computers	$	250,000.00
	Classroom Furniture (South Row, Byam and Westlands)	$	132,000.00
Public Education Projects Total			**$382,000.00**
	Capital Improvement Program		**$2,503,141.00**

and to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money to fund these obligations, and to further authorize the Town Manager to enter into lease/purchase agreements in excess of three years; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
Town Manager
Capital Planning Committee

ARTICLE 15. To see if the Town will authorize the Board of Selectmen to acquire by gift a drainage easement presently located on properties on Mill Road, identified as Lot 6 on Assessor's Map 113, Block 387 in accordance with plan on file in Town Engineer's office; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 16. To see if the Town will authorize the Board of Selectmen to convey a driveway and utility easement from Lot 2 to Lot 1, also known as 19 Maple Road, as shown on a plan entitled "Plan of Land in Chelmsford, MA, Prepared for the Town of Chelmsford, 50 Billerica Road, Chelmsford, Massachusetts" dated October 8, 2002 and recorded at the North Middlesex District Registry of Deeds in Plan Book 209, Plan 136, prepared by PM Flaherty Associates, Inc., which plan is on file in the Community Development Department and the Office of the Town Clerk; or act in relation thereto.

SUBMITTED BY: **Town Manager**
Board of Selectmen

ARTICLE 17. To see if the Town will vote to authorize the Board of Selectmen to convey an easement to National Grid on a parcel of land owned by the Town and situated on the easterly side of Richardson Road and identified as Parcel 2 on a Plan of Land as recorded at the North Middlesex District Registry of Deeds in Plan Book 107, Plan 52, said easement to be for the purpose of installing and maintaining a transformer necessary to provide electrical service to said parcel, or act in relation thereto.

SUBMITTED BY: **Town Manager**
Board of Selectmen

ARTICLE 18. To see if the Town will authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Robin Hill Road/Burning Tree Lane Area – Phase 4G Sewers" dated February 2006, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

ARTICLE 19. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation budget and:
A. to appropriate from FY2007 Community Preservation Fund revenues the following:

(1) a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2007,

and further

B. to reserve for future appropriation amounts from FY2007 Community Preservation Fund revenues as recommended by the Community Preservation Committee:

(1) a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use,

(2) a sum of money for acquisition and preservation of historic resources,

(3) a sum of money for the creation and preservation and support of community housing,

(4) a sum of money for the Community Preservation Fund FY2007 Budgeted Reserve

or take any other action relative thereto.

SUBMITTED BY: **Community Preservation Committee**
Majority Vote

ARTICLE 20. To see if the Town will vote to accept the following mentioned street, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Lady Slipper Lane

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to see if the Town will vote to raise and appropriate, transfer and appropriate from the Stabilization Fund, and/or borrow a certain sum of money to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to see if the Town will vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 21. To see if the Town will vote, in accordance with G.L. c. 40, section 4A, to authorize the Town Manager to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Aid Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto.

SUBMITTED BY: **Town Manager**
Board of Selectmen
Board of Health

ARTICLE 22. To see if the Town will vote to adopt a general bylaw or to authorize the Board of Selectmen to seek special legislation authorizing the use of a photographic traffic monitoring system, also referred to as a so-called "automated red light and speed enforcement" system, which will record digital images, or images on other types of media, of vehicles proceeding through red lights at intersections where monitoring equipment is installed and authorizing the Chelmsford Police Department to take enforcement action against the owners or lessees of vehicles who the Chelmsford Police Department determine, based upon the images captured by the traffic monitoring system, proceeded through red lights; said bylaw or special legislation will also address various issues relative to implementation of said traffic monitoring system, including the specific processes for enforcement of violations and maintaining and using data collected by the photographic monitoring system, or take any other action relative thereto.

SUBMITTED BY: **Town Manager**
Police Chief

ARTICLE 23. To see if the Town will vote to amend the General Bylaws Chapter 35, by adding the following as section 35-5, entitled Department Financial Forecasts:

"In order to ensure the financial stability of the town and to assist the Board of Selectmen and the Town Manager in the preparation of a five year financial forecast as required by section 6-4 of the Charter, each department shall prepare a five year plan of economic resources it will need to operate. This plan shall be updated and modified on an annual basis for submission to Town Meeting, the Finance Committee, and the Board of Selectmen; or act in relation thereto."

SUBMITTED BY: **Petition**

ARTICLE 24. To see if the Town will vote to accept Massachusetts General Laws, Chapter 32B, section 18, that requires that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town; or act in relation thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 25. To see if the Town will vote to transfer the care, custody and control of the easements held by the Town and described below to the Board of Selectmen for the purpose of releasing and abandoning the temporary and permanent roadway easements and permanent drainage easement and further to authorize the Board of Selectmen, for no monetary consideration, to release and abandon the easements taken by eminent domain from the record owners listed in the Order of Taking recorded with the Middlesex North Registry of Deeds in Book 18988, Page 40 on July 12, 2005 to the current record owners, said easements being described as follows:

> The easements labeled "E-1" through "E-6"; "TE-1" through "TE-22" and "D-1" taken by the Town of Chelmsford pursuant to said order of taking described and bounded as shown on a plan entitled "Permanent and Temporary Easement Plan of North Road/ Parkhurst Road/Davis Road and North Road at Dalton Road in the Town of Chelmsford, Middlesex County" , dated January 28, 2005, prepared by Vanasse Hangen Brustlin, Inc., Watertown, MA, scale 20' = 1", recorded with the Middlesex North District Registry of Deeds in Plan Book 218, Plan 107,

there being no intent to release or abandon those temporary and permanent roadway easements and permanent drainage easement taken by eminent domain pursuant to the Order of Taking recorded with the Middlesex North Registry of Deeds in Book 19245, Page 105 on September 8, 2005, said easements being described and bounded as shown on a plan recorded with the Middlesex North District Registry of Deeds in Plan Book 219, Plan 34 (sheets 1-6), or take any other action relative thereto.

SUBMITTED BY: **Town Manager**

ARTICLE 26. To see if the Town will vote to amend the General Bylaws, Chapter 51, by deleting Article 1, Section 51-4, Paragraph B:

"Members of the Chelmsford ATEF Committee will include the Superintendent of Schools or his/her designee thereof, six residents of the Town of Chelmsford that will include at least three parents who presently have children in the Chelmsford public schools, a member of the business community, a senior citizen and a member at large".

and replacing it with a new Article 1, Section 51-4, Paragraph B, to read:

"Members of the Chelmsford ATEF Committee will include the Superintendent of Schools or his/her designee thereof, and eight (8) residents of the Town of Chelmsford that will include at least three (3) parents/grandparents/guardians of children presently enrolled in Chelmsford public schools."

SUBMITTED BY: **Arts and Technology Education Fund Committee**

ARTICLE 27. To see if the Town will vote to authorize the Board of Selectmen to accept as a gift from Robin Hill Meadows, LLC, a parcel of land off Robin Hill Road, shown as Lot 3, consisting of 42,455 square feet, as shown on a plan entitled "Plan of Land in Chelmsford, MA" dated 12/8/05, prepared by Hancock Associates for Robin Hill Meadows, LLC, said Lot 3 to be held for general municipal purposes and intended to be used to access the proposed Bruce Freeman Rail Trail. The plan is on file in the Community Development Department and the Office of the Town Clerk; or act in relation thereto.

SUBMITTED BY: **Town Manager**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 13th day of March, 2006

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD:

Philip M. Eliopoulos, Chairman

William F. Dalton, Vice Chairman

Michael F. McCall, Clerk

Thomas A. Newcomb

Samuel P. Chase

NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of April 24, 2006.

Thursday, April 27, 2006 at 7:30 p.m.

Monday, May 1, 2006 at 7:30 p.m.

Thursday, May 4, 2006 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to Town of Chelmsford Code Chapter 154-9, these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. March 15, 2006

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence, Constable

A True Copy Attest:

William E. Spence

William E. Spence, Constable

Town of Chelmsford
Annual Town Election April 4, 2006

SELECTMAN	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	182	113	192	128	160	234	177	212	141	**1,539**
WILLIAM F DALTON*	318	184	304	219	238	375	330	326	274	**2,568**
PHILIP M ELIOPOULOS*	415	186	360	276	366	482	485	442	377	**3,389**
ALEXANDER E BUCK	271	127	220	216	285	363	350	322	271	**2,425**
MISC WRITE-INS	0	2	0	1	3	2	0	2	3	**13**
TOTAL	**1,186**	**612**	**1,076**	**840**	**1,052**	**1,456**	**1,342**	**1,304**	**1,066**	**9,934**

SCHOOL COMMITTEE	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	17	16	34	9	22	24	27	34	12	**195**
ANTHONY V VOLPE	236	122	213	176	169	227	213	187	202	**1,745**
CHRISTINA H WALSH	340	168	291	235	335	477	431	430	318	**3,025**
MISC WRITE-INS	0	0	0	0	0	0	0	1	1	**2**
TOTAL	**593**	**306**	**538**	**420**	**526**	**728**	**671**	**652**	**533**	**4,967**

LIBRARY TRUSTEE-3 YRS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	420	251	434	311	374	518	466	467	339	**3,580**
LINDA K HUBBARD*	393	189	323	268	339	485	436	424	359	**3,216**
CAROL L SNEDEN*	373	172	319	260	336	453	439	413	366	**3,131**
MISC WRITE-INS	0	0	0	1	3	0	1	0	2	**7**
TOTAL	**1,186**	**612**	**1,076**	**840**	**1,052**	**1,456**	**1,342**	**1,304**	**1,066**	**9,934**

Annual Town Election April 4, 2006

LIBRARY TRUSTEE-1 YR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	143	74	177	114	141	194	175	179	132	**1,329**
LISA E DAIGLE	266	189	275	235	269	402	408	346	277	**2,667**
DAVID M BRASLAU	184	43	86	71	116	132	88	127	122	**969**
MISC WRITE-INS	0	0	0	0	0	0	0	0	2	**2**
TOTAL	**593**	**306**	**538**	**420**	**526**	**728**	**671**	**652**	**533**	**4,967**

BOARD OF HEALTH	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	180	89	169	125	150	186	204	184	145	**1,432**
ANNMARIE ROARK*	412	217	369	294	374	542	467	468	388	**3,531**
MISC WRITE-INS	1	0	0	1	2	0	0	0	0	**4**
TOTAL	**593**	**306**	**538**	**420**	**526**	**728**	**671**	**652**	**533**	**4,967**

PLANNING BOARD	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	736	403	725	525	681	959	847	850	647	**6,373**
ROBERT P JOYCE*	364	174	300	268	292	403	379	351	320	**2,851**
S GEORGE ZAHAROOLIS	337	186	307	221	290	409	386	388	320	**2,844**
PAMELA L ARMSTRONG*	340	155	282	244	313	410	400	367	309	**2,820**
MISC WRITE-INS	2	0	0	2	2	3	1	0	3	**13**
TOTAL	**1,779**	**918**	**1,614**	**1,260**	**1,578**	**2,184**	**2,013**	**1,956**	**1,599**	**14,901**

Annual Town Election April 4, 2006

SEWER COMMISSION-3 YRS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	202	91	175	148	202	243	246	236	178	**1,721**
GEORGE F ABELY*	389	215	363	270	324	485	425	416	355	**3,242**
MISC WRITE-INS	2	0	0	2	0	0	0	0	0	**4**
TOTAL	**593**	**306**	**538**	**420**	**526**	**728**	**671**	**652**	**533**	**4,967**

SEWER COMMISSION-1 YR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	57	20	23	32	45	79	52	53	49	**410**
JEFFREY A MILLER	204	149	260	163	225	285	254	234	168	**1,942**
STUART G WEISFELDT	156	60	93	93	101	170	183	215	153	**1,224**
THOMAS E MORAN	176	77	162	132	155	194	181	150	163	**1,390**
MISC WRITE-INS	0	0	0	0	0	0	1	0	0	**1**
TOTAL	**593**	**306**	**538**	**420**	**526**	**728**	**671**	**652**	**533**	**4,967**

HOUSING AUTHORITY	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	147	66	161	84	143	195	190	173	105	**1,264**
GEORGIANA C MUELLER	247	131	191	203	196	298	209	245	188	**1,908**
LEONARD E WESTGATE*	199	108	186	133	187	235	271	234	239	**1,792**
MISC WRITE-INS	0	1	0	0	0	0	1	0	1	**3**
TOTAL	**593**	**306**	**538**	**420**	**526**	**728**	**671**	**652**	**533**	**4,967**

Annual Town Election April 4, 2006

CEMETERY COMMISSION	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	171	96	170	128	181	215	213	197	154	**1,525**
JEAN R McCAFFERY*	422	210	368	289	345	513	458	455	379	**3,439**
MISC WRITE-INS	0	0	0	3	0	0	0	0	0	**3**
TOTAL	**593**	**306**	**538**	**420**	**526**	**728**	**671**	**652**	**533**	**4,967**

PCT 1 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	1,209	0	0	0	0	0	0	0	0	**1,209**
ROBERT P JOYCE	301	0	0	0	0	0	0	0	0	**301**
SAMUEL P CHASE*	330	0	0	0	0	0	0	0	0	**330**
THOMAS M DiPASQUALE	203	0	0	0	0	0	0	0	0	**203**
LAURA C McGUIGAN*	251	0	0	0	0	0	0	0	0	**251**
PATRICIA E KAHL	203	0	0	0	0	0	0	0	0	**203**
MICHAEL N RAISBECK*	198	0	0	0	0	0	0	0	0	**198**
RALPH B HICKEY	227	0	0	0	0	0	0	0	0	**227**
FRANCES T McDOUGALL*	218	0	0	0	0	0	0	0	0	**218**
JAMES P LYNCH*	207	0	0	0	0	0	0	0	0	**207**
STEPHANIE J LEVELL*	209	0	0	0	0	0	0	0	0	**209**
MISC WRITE-INS	2	0	0	0	0	0	0	0	0	**2**
TOTAL	**3,558**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3,558**

PCT 2 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	962	0	0	0	0	0	0	0	**962**
WILLIAM F DALTON*	0	207	0	0	0	0	0	0	0	**207**
JANET E MURPHY*	0	158	0	0	0	0	0	0	0	**158**
STANLEY W NORKUNAS*	0	147	0	0	0	0	0	0	0	**147**
JEFFREY W STALLARD*	0	178	0	0	0	0	0	0	0	**178**
SCOTT E JOHNSON	0	168	0	0	0	0	0	0	0	**168**
LINDA DALTON (WRITE IN)	0	7	0	0	0	0	0	0	0	**7**
MISC WRITE-INS	0	9	0	0	0	0	0	0	0	**9**
TOTAL	**0**	**1,836**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1,836**

Annual Town Election April 4, 2006

PCT 2 REP TOWN MTG MBR 2Y	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	292	0	0	0	0	0	0	0	**292**
LINDA DALTON (WRITE IN)	0	4	0	0	0	0	0	0	0	**4**
MISC WRITE-INS	0	10	0	0	0	0	0	0	0	**10**
TOTAL	**0**	**306**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**306**

PCT 2 REP TOWN MTG MBR 1Y	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	290	0	0	0	0	0	0	0	**290**
LINDA DALTON (WRITE IN)	0	6	0	0	0	0	0	0	0	**6**
MISC WRITE-INS	0	10	0	0	0	0	0	0	0	**10**
TOTAL	**0**	**306**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**306**

PCT 3 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	1,748	0	0	0	0	0	0	**1,748**
CHIRSTOPHER T. GARRAHAN, III	0	0	289	0	0	0	0	0	0	**289**
JUDITH A STRAEFFER*	0	0	266	0	0	0	0	0	0	**266**
JAMES P SPILLER*	0	0	276	0	0	0	0	0	0	**276**
ALAN N COTE*	0	0	262	0	0	0	0	0	0	**262**
JAMES F DOLAN, II*	0	0	357	0	0	0	0	0	0	**357**
LINDA LEAVITT (WRITE IN)	0	0	5	0	0	0	0	0	0	**5**
JEFFREY MILLER (WRITE IN)	0	0	12	0	0	0	0	0	0	**12**
MISC WRITE-INS	0	0	13	0	0	0	0	0	0	**13**
TOTAL	**0**	**0**	**3,228**	**0**	**0**	**0**	**0**	**0**	**0**	**3,228**

** = Candidate for re-election*

PCT 3 REP TOWN MTG MBR 2Y	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	184	0	0	0	0	0	0	**184**
PATRICIA F MAGNELL	0	0	345	0	0	0	0	0	0	**345**
MISC WRITE-INS	0	0	9	0	0	0	0	0	0	**9**
TOTAL	**0**	**0**	**538**	**0**	**0**	**0**	**0**	**0**	**0**	**538**

PCT 4 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	931	0	0	0	0	0	**931**
SHEILA E PICHETTE*	0	0	0	263	0	0	0	0	0	**263**
GEORGE A RIPSOM, SR*	0	0	0	220	0	0	0	0	0	**220**
ELIZABETH M RIPSOM*	0	0	0	206	0	0	0	0	0	**206**
LINDA A JONES	0	0	0	245	0	0	0	0	0	**245**
BILLY L MARTIN*	0	0	0	207	0	0	0	0	0	**207**
JENNIFER E PATENAUDE	0	0	0	225	0	0	0	0	0	**225**
DENNIS P SHEEHAN*	0	0	0	222	0	0	0	0	0	**222**
MISC WRITE-INS	0	0	0	1	0	0	0	0	0	**1**
TOTAL	**0**	**0**	**0**	**2,520**	**0**	**0**	**0**	**0**	**0**	**2,520**

PCT 4 REP TOWN MTG MBR 2Y	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	122	0	0	0	0	0	**122**
SANDRA M REGA	0	0	0	297	0	0	0	0	0	**297**
MISC WRITE-INS	0	0	0	1	0	0	0	0	0	**1**
TOTAL	**0**	**0**	**0**	**420**	**0**	**0**	**0**	**0**	**0**	**420**

PCT 4 REP TOWN MTG MBR 1Y	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	140	0	0	0	0	0	**140**
ANDREW J GARBER	0	0	0	278	0	0	0	0	0	**278**
MISC WRITE-INS	0	0	0	2	0	0	0	0	0	**2**
TOTAL	**0**	**0**	**0**	**420**	**0**	**0**	**0**	**0**	**0**	**420**

PCT 5 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	0	1,385	0	0	0	0	**1,385**
JUDITH A TAVANO*	0	0	0	0	289	0	0	0	0	**289**
ERIC A ANDRUS	0	0	0	0	297	0	0	0	0	**297**
KATHRYN A TORRES*	0	0	0	0	294	0	0	0	0	**294**
PATRICIA WOJTAS*	0	0	0	0	303	0	0	0	0	**303**
W ALLEN THOMAS, JR*	0	0	0	0	291	0	0	0	0	**291**
EDWARD J SULESKI, JR	0	0	0	0	297	0	0	0	0	**297**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**0**	**0**	**0**	**0**	**3,156**	**0**	**0**	**0**	**0**	**3,156**

PCT 6 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	0	0	1,523	0	0	0	**1,523**
GLENN L DOHERTY*	0	0	0	0	0	341	0	0	0	**341**
JUDITH A OLSSON*	0	0	0	0	0	399	0	0	0	**399**
COLLEEN A STANSFIELD	0	0	0	0	0	376	0	0	0	**376**
DEIRDRE M CONNOLLY	0	0	0	0	0	379	0	0	0	**379**
STUART G WEISFELDT*	0	0	0	0	0	324	0	0	0	**324**
BRIAN S DOHERTY	0	0	0	0	0	367	0	0	0	**367**
DAVID J McLACHLAN*	0	0	0	0	0	282	0	0	0	**282**
MARIANNE J PARESKY*	0	0	0	0	0	376	0	0	0	**376**
MISC WRITE-INS	0	0	0	0	0	1	0	0	0	**1**
TOTAL	**0**	**0**	**0**	**0**	**0**	**4,368**	**0**	**0**	**0**	**4,368**

Annual Town Election April 4, 2006

PCT 7 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	0	0	0	1,980	0	0	**1,980**
THOMAS E MILLS*	0	0	0	0	0	0	393	0	0	**393**
KATHERINE H DUFFETT*	0	0	0	0	0	0	431	0	0	**431**
DWIGHT M HAYWARD*	0	0	0	0	0	0	393	0	0	**393**
GAIL F McCALL*	0	0	0	0	0	0	412	0	0	**412**
THOMAS R FALL*	0	0	0	0	0	0	348	0	0	**348**
PHILIP D. MAYNARD (WRITE IN)	0	0	0	0	0	0	17	0	0	**17**
MAURA L. SHIELD (WRITE IN)	0	0	0	0	0	0	25	0	0	**25**
MISC WRITE-INS	0	0	0	0	0	0	27	0	0	**27**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**4,026**	**0**	**0**	**4,026**

PCT 8 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	0	0	0	0	1,336	0	**1,336**
JOHN E ABBOTT*	0	0	0	0	0	0	0	314	0	**314**
WILLIAM D. ASKENBURG, JR	0	0	0	0	0	0	0	369	0	**369**
MARY E TIANO*	0	0	0	0	0	0	0	411	0	**411**
JODI L O'NEILL*	0	0	0	0	0	0	0	430	0	**430**
SAMUEL POULTEN*	0	0	0	0	0	0	0	318	0	**318**
ALEXANDER W GERVAIS*	0	0	0	0	0	0	0	323	0	**323**
CAROL C CLEVEN*	0	0	0	0	0	0	0	410	0	**410**
MISC WRITE-INS	0	0	0	0	0	0	0	1	0	**1**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3,912**	**0**	**3,912**

** = Candidate for re-election*

Annual Town Election April 4, 2006

PCT 9 REP TOWN MTG MBR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	0	0	0	0	0	0	0	0	1,178	**1,178**
MARY A GREGOIRE*	0	0	0	0	0	0	0	0	330	**330**
ARTHUR R CARMEN*	0	0	0	0	0	0	0	0	327	**327**
JOHN M SHAW, JR*	0	0	0	0	0	0	0	0	322	**322**
DORIS M BRIGGS*	0	0	0	0	0	0	0	0	330	**330**
DANIELLE B EVANS	0	0	0	0	0	0	0	0	367	**367**
GARY A MATHEWS*	0	0	0	0	0	0	0	0	340	**340**
MISC WRITE-INS	0	0	0	0	0	0	0	0	7	**7**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3,201**	**3,201**

April 4, 2006 Annual Town Election Representatives sorted by votes received

Top Six are elected for a 3year term

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 1
Samuel P. Chase	330
Robert P. Joyce	301
Laura C. McGuigan	251
Ralph B. Hickey	227
Frances T. McDougall	218
Stephanie J. Levell	209
James P. Lynch	207
Thomas M. DiPasquale	203
Patricia E. Kahl	203
Michael N. Raisbeck	198

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 2
William F. Dalton	207
Jeffrey W. Stallard	178
Scott E. Johnson	168
Janet E. Murphy	158
Stanley W. Norkunas	147
Linda Dalton write-in	7

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 3
James F. Dolan, II	357
Christopher T. Garrahan, III	289
James P. Spiller	276
Judith A.Straeffer	266
Alan N. Cote	262

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 4
Sheila E. Pichette	263
Linda A. Jones	245
Jennifer E. Patenaude	225
Dennis P. Sheehan	222
George A. Ripsom, Sr	220
Billy L. Martin	207
Elizabeth M. Ripsom	206

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 5
Patricia Wojtas	303
Eric A. Andrus	297
Edward J. Suleski, Jr	297
Kathryn A.Torres	294
W. Allen Thomas, Jr	291
Judith A. Tavano	289

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 6
Judith A. Olsson	399
Deirdre M. Connolly	379
Colleen A. Stansfield	376
Marianne J. Paresky	376
Brian S. Doherty	367
Glenn L. Doherty	341
Stuart G.Weisfeldt	324

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 7
Katherine H. Duffett	431
Gail F. McCall	412
Thomas E. Mills	393
Dwight M. Hayward	393
Thomas R. Fall	348
Maura L. Shield write-in	25
Philip D. Maynard write-in	17

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 8
Jodi L. O'Neill	430
Mary E. Tiano	411
Carol C. Cleven	410
William D. Askenburg Jr	369
Alexander W. Gervais	323
Samuel Poulten	318
John E. Abbott	314

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 9
Danielle B. Evans	367
Gary A. Mathews	340
Mary A. Gregoire	330
Doris M. Briggs	330
Arthur R. Carmen	327
John M. Shaw, Jr	322

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 7
Katherine H. Duffett	431
Gail F. McCall	412
Thomas E. Mills	393
Dwight M. Hayward	393
Thomas R. Fall	348
Maura L. Shield write-in	25
Philip D. Maynard write-in	17

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 8
Jodi L. O'Neill	430
Mary E. Tiano	411
Carol C. Cleven	410
William D. Askenburg Jr	369
Alexander W. Gervais	323
Samuel Poulten	318
John E. Abbott	314

REPRESENTATIVE TOWN MEETING MEMBER for THREE YEARS Vote for NOT MORE THAN SIX	Pct 9
Danielle B. Evans	367
Gary A. Mathews	340
Mary A. Gregoire	330
Doris M. Briggs	330
Arthur R. Carmen	327
John M. Shaw, Jr	322

TOWN OF CHELMSFORD

WARRANT FOR
SPECIAL TOWN MEETING
APRIL 27, 2006

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford, on Thursday, the **twenty-seventh of April at 8:00 p.m**. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To see if the Town will vote to amend the Fiscal Year 2006 operating budget under Article 8 of the Annual Spring Town Meeting held on April 25, 2005 as amended by Article 7 of the Annual Fall Town Meeting held on October 17, 2005, Article 3 of the Annual Spring Town Meeting held on April 24, 2006, and Article 4 of the Annual Spring Town Meeting held on April 24, 2006; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 2. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land on **Shore Drive** and shown on Assessor's Map 24, Block 48, Lot 28. The property contains 6,709 square feet, more or less, and is more fully described in a deed dated October 6, 2005 and recorded in the Middlesex North Registry of Deeds in Book 19366, Page 159; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 3. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land as located and identified as follows:

A. **Off Main Street**, shown as Lot 23 on Assessor's Map 17, Block 82 containing 0.30 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 302;

B. **Off Groton Road**, shown as Lot 9 on Assessor's Map 23, Block 92 containing 0.41 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 1806; Page 287;

C. **Off School Street**, shown as Lot 4 on Assessor's Map 46, Block 199 containing 0.29 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2457, Page 347/348;

D. **Off Diane Lane**, shown as Lot 34 on Assessor's Map 62, Block 230 containing 0.24 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 8306, Page 172;

E. **Off Cliff Road**, shown as Lot 14 on Assessor's Map 69, Block 309 containing 0.12 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 4591, Page 1;

F. At **15 Bentley Lane**, shown as Lot 17 on Assessor's Map 71, Block 306 containing 0.69 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301;

G. **Off Summer Street**, shown as Lot 3 on Assessor's Map 84, Block 334 containing 0.73 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 6608, Page 120;

H. **Off Park Road**, shown as Lot 45 on Assessor's Map 133, Block 475 containing 2.00 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 11120, Page 237;

or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 4. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and

interest, if any held by the Town in all or a portion of a certain parcels of land located and identified at **12 Bentley Lane**, shown as Lot 6 on Assessor's Map 71, Block 311 containing 0.90 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 5. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land located and identified at **3A Stillwater Drive**, shown as Lot 11 on Assessor's Map 119, Block 448 containing 0.56 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 17554, Page 53; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 6. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land located and identified as follows:

A. **Off Mill Road**, shown as Lot 25 on Assessor's Map 105, Block 397 containing 6.70 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 3732, Page 12;

B. On **Mill Road**, shown as Lot 4 on Assessor's Map 113, Block 397 containing 3.4 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2906, Page 246;

or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 7. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of certain parcels of land located and identified on **Russell Road**, as shown as Lots A, C, D and E on a plan entitled "Approval Not Required Under Subdivision Control Law" as surveyed by Richard L. Monahan-Registered Land Surveyor and recorded in the Middlesex North Registry of Deeds in Book 112, Page 9 and further identified as:

A. Lot A on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as Lot 1 on Assessor's Map 12, Block 38 containing 2,100 square feet, more or less;

B. Lot C on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as Lot 3 on Assessor's Map 12, Block 38 containing 1,315 square feet, more or less;

C. Lot D on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as Lot 3 on Assessor's Map 12, Block 38 containing 1,315 square feet, more or less;

D. Lot E on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as 5 on Assessor's Map 12, Block 38 containing 1,080 square feet, more or less;

or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 8. To see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located and identified at **27 Freeman Road**, shown as Lot 21 on Assessor's Map 113, Block 431 containing 1.04 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2655, Page 92; and further described and shown on a set of plans, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference; and to see if the Town will vote to raise and appropriate, or transfer funds and/or borrow a certain sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as the result of any such taking; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 6th day of April, 2006

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Philip M. Eliopoulos, Chairman

William F. Dalton, Vice Chairman

Michael F. McCall, Clerk

Thomas A. Newcomb

Samuel P. Chase

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
SPECIAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Special Town Meeting of April 27, 2006:

Monday, May 1, 2006 at 7:30 p.m.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. April 10, 2006

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest:

William E. Spence, Constable

ANNUAL TOWN MEETING
April 24, 2006

The Annual Town Meeting was called to order at 7:40 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. There were **149** Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions. Town Counsel for this meeting from Koplemen and Paige would be Jason Talerman. The Moderator asked that the Body acknowledge the following individuals who had passed away since the October 2005 meeting. John Emerson, who was the Chairman of the Sewer Commission and Precinct 3 Town Meeting Representative. He also was a past Selectman and member of various boards and committees. Steven P.L. Maloney, who was a member of the Board of Library Trustees and a past Precinct 1 Town Meeting Representative. Edgar P. George who was a past Selectman from 1956 to 1962. Also the Moderator pointed out that Lucy Simonian who had been part of the Town Meeting process had also passed away. He asked for a moment of silence in their honor.

Selectman Michael F. McCall moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. Motion carried, unanimously. Selectman Michael F. McCall moved that the reading of the entire warrant be waived. Motion carried, unanimously. From time to time various non resident town employees may need to address the Body regarding certain issues. He asked that Bruce Forrester Technology Director of the School Department be given permission from the Body to speak if called upon. Motion carried, unanimously. He then made two public announcements.

UNDER ARTICLE 1. Selectman Michael F. McCall moved that the Town vote to hear reports of the Town Officers and Committees. Town Manager Bernard Lynch said that the Body was to hear two reports at this time. One was from the School Building Project Committee regarding the current status of the project and the other was from a citizen lobbying group who had been working with Town and State elected officials in an effect to gain more state aid.

Patrick Maloney, Chairman of the School Building Committee came forward and gave an update of the Town's $31million dollar school construction project for the High School and the McCarthy and Parker Middle Schools. He said he would give a brief report outlining what has been completed, what has to be done, and the timeline involved for each of the three schools. Completed projects:

At the High School: fire alarms and electrical work. At the Parker: new boiler system and four modular classrooms and electrical work. At the McCarthy: a new roof and electrical work. 70% of the windows have been replaced the rest should be done by the end of May. The School Administration has been moved from the High School and is now operating out of the newly renovated building that was the former Police Station. Construction for the slated addition to this building has just begun.

At the Parker: a 5,000 sq ft library is currently under construction and will be done by the summer. Scheduled work is: two new computer labs, two new restrooms, an access corridor, AV storage and a work room.

At the McCarthy: a new library is being built and will be completed by September. Scheduled work is: an AV storage room, connecting corridor, workroom, four new classrooms in the former library space. Work to be done during the summer in the arts wing is: a new chorus

room, band/orchestra room. Art room w/two new handicap sinks and a kiln, new technology work shop. The work at both of these schools is being done by Colantonio Construction Inc. At the High School: Construction of the 1,000 seat auditorium has begun. This will include: a modern sound and lighting system. A 2,150 sq ft stage, a 1,850 sq ft lobby, a scenery workshop, control room, dressing room, and a connection corridor to the Gym. Scheduled work to begin in the summer will be two new computer labs, sixteen science rooms, one consumer science classroom, five physical labs. This work is being done by TLT Construction Corp.

Mr Maloney thanked the School Department and the staff at these schools for their assistance and co-corporation and patience with all this construction going on during their day. He further explained that once school ended in June all these major renovations will begin and access to these schools will be extremely limited. The public just can't stop in and view the progress. Non construction personnel will need to have written permission from the Superintendent of Schools in order to go on any of these sites, and once there, they are to go directly to the construction trailer on site and be properly escorted. The summer school program will be moved from the High School to the Parker School which will have the least construction impact during the upcoming summer months. He then gave a list of the items that will be worked on over the summer at the three schools and their proposed completion dates. At the Parker all items should be done between September and October. At the McCarthy all items will be done between September and November. The High School projects will be finished between September to January of 2007. The auditorium should be done in February but in order to avoid any possibility that it may not, nothing will be booked until May of 2007.

Mr Maloney stated that the project overall was going very well. There is still at this point $1.6 million dollars left in the contingency budget, and overall the schedule is on time and on budget. There is a handout available at the back of the room which reflects the current budget. He stressed that if anyone wished to contact him via e-mail or phone with questions he'd be more then happy to respond, and he thanked the body. The body responded with a round of applause.

The Town Manager explained that Selectman Samuel Chase was going to come forward and will speak on behalf of the Board of Selectmen regarding the state aid situation and how it affects the Town. He further explained in prior years State aid made up 25% of the town's budget, now it is around 16%. This puts pressure on the Town to raise additional revenue through property taxes. The Town has worked really diligently in the past to get the State to respond particularly in the area of Chapter 70 Educational Funds. He turned the podium over to Selectman Chase who would give an update regarding these efforts.

Selectman Chase explained that he was going to introduce Donna Newcomb and Laura McLaughlin who had founded the advocacy group "Initiative for Local Aid". Its purpose is to advocate for equitable distribution of Chapter 70 funds on behalf of Chelmsford Citizens and other communities whose citizens are adversely affected by the current distribution formula. The Initiative for Local Aid focuses primarily on Chapter 70 but it is also concerned with assuring that aid in all categories is fairly allocated among the municipalities. He cited their personal credentials which included activity in School organizations and councils. Both have both worked tirelessly in the past year in order to raise citizen's awareness and organizing events to underscore the needs to reform Chapter 70 distribution. Their work has included extensive co-ordination with other area towns and their effects have been recognized state wide. Both the Board of Selectmen and School Committee have activity supported the Initiative for Local Aid efforts from the beginning, which included testifying at regional legislative state hearings in support of Chapter 70 funding reform. The Board of Selectmen has recognized the importance

of this group, by appointing a liaison to in order to assist with the continuation and advocate lobbying for a more equitable distribution of Chapter 70 Funding. He then introduced Donna Newcomb who came forward and addressed the Body.

Donna Newcomb explained that the group's initiative is three fold. It was formed in cooperation with the School Committee. Their objective is to enhance communication among Chelmsford and Massachusetts residents. To create systems that will allow residents to respond to immediate issues in a concise and efficient manner. To mobilize and empower individual citizens to advocate for local funding. She highlighted the reasons why this group has been successful with their initiative. Due to the support of the School Committee and the Board of Selectmen who with their guidance and directions have assisted the group in making connections at the State house who are adversaries to their cause. Extensive validation and a year of hard work by people like Mary Franz on Chapter 70 Reform. In addition, many Towns are faced with financial crisis and this past January the group held a rally day at the State House in Boston in which forty cities and towns throughout the commonwealth participated. Since then a line of communication has been formed and continued. They have been invited to come speak at various Towns regarding this issue. She stressed that it has a lot to do with the cooperation of the Chelmsford residents and their efforts on contacting their legislators regarding the Chapter 70 Funding issues. At this time two budget proposals on the State level have been released. They are the Governor's and the House, we're still waiting for the Senate. Neither one is considered acceptable at this time. The group would like to see more money for Chelmsford. However, there is movement on the State level regarding their efforts. The Governor's budget did contain additional Chapter 70 funds for Chelmsford and the House budget included uncapping the lottery funds. This has been and will continue to be a long process. They consider it an investment for the Town's future. She emphasized that another rally day is scheduled for this upcoming Wednesday sponsored by Stand for Children and urged the citizens to participate. Before the school year ends, the group plans on sponsoring another phone call, letter/e-mail writing to implore our Legislators and Senators that changes are needed in order relieve the pressure to the cities and towns due to the lack of State Aid. At this time she asked Laura McLaughlin to come forward and explained a petition that has been drawn up and asked that the citizens support it and sign it. Laura McLaughlin explained that Colleen Stansfield had worked very hard drafting this petition that the Town of Harvard had modeled for group. Harvard also suggested they use their Town Meetings as a way to communicate to their citizens about the petition. This is a Town effort that will be presented to the Governor and the General Court. She continued to say that Colleen Stansfield had depended on so many people for their help and input and felt that the following should be mentioned and thanked for their facts and figures. Philip Eliopoulos, Sam Chase, Bill Dalton, Mary Franz, Evelyn Thoren, Angie Taranto, Christina Walsh, Kevin Porter and Kathy Duffet. She asked that everyone please sign the petition and stressed how important the upcoming rally is. She thanked everyone for their participation.

The Town Manager said that the petition will be available in the back of the room and available for signatures, and this concluded the reports.

Robert Joyce inquired about the situation regarding the money being allocated from residents electric bills for the project of putting the utilities cables underground in the Chelmsford Center area. Substantial money has been accrued but no work or effort has been made yet. He asked if a report could be given at the October meeting regarding this. The Town Manager explained that the 2% surcharge is allowed to be collected as soon as a Town votes the action to be taken. The project isn't required to be started until all the money is in place. However, they do have an agreement on file with the Town that the project is moving forward. They have already started the design and engineering phase and he hopes that the construction

will start in the late summer or fall. He will give a detailed report with facts and figures on this issue at the fall meeting. Ralph Hickey questioned the status of the telephone poles in the Center. They are a hazard and has the Manager heard when they will be removed. The Manager explained that Verizon is aware of these poles and the one on Turnpike Rd. They have not given notice of a timeline regarding the Center poles. The one on Turnpike was to be removed in March. Verizon has been notified that they liable for this pole.

UNDER ARTICLE 2. Town Manager Bernard F. Lynch moved that the Town vote to authorize the payment of prior year bill in the amount of $3,850 for professional services performed by Kaestle Boos Associates, Inc. Architects to design the As-Built Plans for the Chelmsford Police Station with said payments coming from FY2006 Department of Public Works Expenses.

The Town Manager explained that this was a late bill for an as built plan for the Police Station project, which had been submitted after the close out date. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 3. Town Manager Bernard F. Lynch moved that the Town vote to transfer $72,691 from overlay surplus to fund certain one-time costs associated with the collective bargaining award of the Massachusetts Joint Labor Management Committee for patrol officers of the Town working in the Police Department.

The Town Manager explained that he had been under contract negotiations with the Police and Fire personnel for the last three years. This article and the next one are a result of reaching an agreement with an arbitrator for these two unions. It is a three year contract. There will be a performance review process. He listed the pay increases. For the year 2004 0%, for 2005 2% and for 2006 3% this union will receive and a $750.00 signing bonus. The total cost of the settlement will be $178,307.00 The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 4. Town Manager Bernard F. Lynch moved that the Town vote to amend the Fiscal Year 2006 operating budget under Article 8 of the Annual Town Meeting held on April 25, 2005 and amended by Article 7 of the Annual Fall Town Meeting held on October 17, 2005 as follows:

Decrease Line Item # 4 Nashoba Assessment by $71,295.
Increase Line Item # 5 Public Safety Personnel by $71,295.

and that the Town transfer $67,792.60 from overlay surplus to defray Town charges for the fiscal period July 1, 2004 to June 30, 2005 to fund certain one-time costs associated with the collective bargaining award of the Massachusetts Joint Labor Management Committee for firefighters and fire captains of the Town working in the Fire Department.

The Town Manager said that this was a three year contract. There will be 24 hour shifts for the personnel. He listed the percentages of increases given. 0% for 2004, 2% for 2005, and 2% for 2006. Also they received a $600.00 signing bonus. Also there is a change in the language on the Town's behalf regarding the educational incentive for EMT training. It will be limited hours subject to the approval of the Fire Chief. The total cost of this contract settlement is $208,650.00. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 5. Town Manager Bernard F. Lynch moved that the Town vote to, in accordance with G.L. c.41, section 108, set an annual stipend for the salary and compensation of the following elected officials in the town:

- Chairman of the Board of Selectmen: $ 2,000.00
- Member of the Board of Selectmen: $ 1,500.00
- Chairman of the Board of Health $ 660.00
- Member of the Board of Health: $ 600.00
- Member of the Cemetery Commission: $ 100.00
- Town Moderator: $ 300.00
- Constable: $ 50.00 per posting

The Town Manager explained that this is a requirement of the law. The amounts shown are what these Boards's have traditionally been receiving in terms of stipends over at least the past 20 to 25 years. These amounts were always funded in their budgets and that is how they were voted. Town Counsel has advised that these stipends receive a separate vote in the year that they are paid. This is the reason why this article is being presented. Marian Paresky asked if Town Counsel could clarify a question. If by paying the Board of Selectmen does this qualify them to be employee's of the Town? Town Counsel responded that there are different ways to be classified as a Town Employee, but if she meant by providing them a stipend then yes, it does provide them with certain status of being an employee of the Town. She felt that there was a conflict with elected officials being considered employees. She felt it violated the "Laws of Necessity". Town Counsel said that an amount of compensation would have to be tied to any vote that would initiate the possibility of a conflict in interest. It's a case by case scenario. The mere fact that the Board of Selectmen receives compensation does not essentially require that invocation of the rules of necessity be enacted for every vote taken. A person needs a financial interest in the question before them in order for a conflict to exist. The fact that Selectmen receive stipends is nothing new. It is a practice that is done through out the Commonwealth. Frances McDougall said that it had been asked at the informational meeting if the Manager would be able to provide the total cost of stipends paid including the cost of health insurance for those individuals who receive it. Therefore what is the actual cost of this article? The amount of stipends is $10,460.00 per year. In terms of the insurance aspect the cost is $61,363.00. Steven Flynn questioned why the School Committee members were not included. The Manager explained that this who has been paid in the past. It was mentioned by a former School Committee member that the committee had opted not to receive compensation. After speaking with various communities it was found that very rarely do School Committee members get paid. Dennis Ready questioned if it was illegal for School Committee members to be paid. Town Counsel said that Chapter 41 section 108 which states that all elected officials are entitled to

receive stipends has been set forth for quite awhile. Brian Latina questioned if an elected officials entire family would be eligible for health insurance. The Manager said any of those positions listed on the article could be entitled to have a family health plan. Christina Walsh questioned if the elected official would be eligible for the same health insurance benefit as a full time employee. The Town Manager said yes by statute the elected official is eligible. Brian Doherty questioned if the Town could have a by-law that an elected official could receive a stipend but not the insurance. Town Counsel said no, that the statue says eligible for benefits and a Town cannot adopt a by-law that would be more restricted. Janet Spence questioned what is the current percentage that the Town pays for its employee's health plan? 63% of the indemnity plan and 75% for the HMO plan. Donald Van Dyne wanted to know how many constables are there. Only one elected constable. Susan Sullivan questioned how many elected individuals are currently receiving health insurance. There are six. Susan Sullivan then asked if the officials were to be just reimbursed for their expenses and not paid any stipend would they qualify for health insurance. No they would not be eligible for insurance. Marian Paresky questioned if an elected official could receive the insurance after they left office. No, they would not be eligible, unless they were over fifty years of age, had served for ten straight years, and then retired and received a pension. The Moderator asked if there were any more questions. He then asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator then asked if there was any debate. Marian Paresky said she wanted to amend the article. She wanted the word stipend dropped and have them receive reimbursement from their expense account. She then asked for a moment to put her request in writing. After a period of time the Moderator asked Marian Paresky to present her motion because he felt that there may be a procedural problem with the wording and didn't want her to waste further time in writing. The Moderator then read Marian Paresky's motion to the Body; I move that the Town set an annual flat fee for their expenses per the following schedule:
Chairman of the BOS $3,000 Board Members $2,000 Chairman of the BOH $1,000 Members of the Cemetery Commission $500 Town Moderator $300 and the Constable $50.00 per posting. Town Counsel then said he had three concerns with the motion. He felt you could not call a stipend a flat fee it would still be interpreted to be a stipend. There could be tax consequences regarding the expenses. Expenses don't work on a flat fee basis. Most importantly if there were none of these concerns, this amendment is changing the scope of the article and is going beyond the intent of what was posted. Marian Paresky questioned what could be done. Town Counsel said that an amendment could be made to change the figures from more or less. She wanted to still bring the motion to a vote she felt that an expense account was not a stipend. The Moderator said he could not accept the motion based on what Town Counsel had said. The motion goes beyond the scope of the article. The article is dealing with those stipends addressed under MGL 41 section 108 and this is how the warrant was advertised. By substituting the word expense for stipend it makes the article completely different and rejected the motion to amend. He moved on. Dennis Ready asked if other Towns had been surveyed regarding this issue. The Town Manager gave a list of at least sixteen surrounding Towns and what they pay as stipends to their Selectmen. The highest was $6,000 for a Chairman and $5,000 for a member and the lowest was $1,000 for both Chair and member. The average was $2,540 for Chairman and $2,227 for a member. Chelmsford figures are in sync with the Towns of our size and demographics. There was more lengthy debate regarding the topic. Karen DeDonato spoke against it. Frances McDougall spoke against it. The consensus is that the Town's financial situation is tight. There have been reductions in personnel positions, some employees are going to be laid off this fiscal year. However, the main concern is in regards to the health care cost being attached to a stipend.

There are permanent employees who work 19.5 hours a week and they are not eligible. Clair Jeannotte and Thomas Moran both spoke against the fact that people are making the health insurance issue a reason for not voting that certain elected officials receive stipends. Robert Joyce spoke in favor of paying the stipends and cited his reasoning based on him being a former Selectman. Ralph Hickey made a motion to move the question which stopped debate. The Moderator asked for a show of hands on this motion. The motion carried, unanimously. The Moderator asked for a vote on the article by way of a show of hands, which left the Chair in doubt. He then called for the tellers to come forward and conduct a hand count. Dorothy Frawley, Kathleen Weeks, Janet Holmes, John Maleski. The result was: Yes 78 No 51**, the motion carried**.

UNDER ARTICLE 6. Town Manager Bernard F. Lynch moved that the Town vote to transfer $1,900,000 from the Stabilization Fund to be used to offset a portion of debt and interest in the Fiscal Year 2007 Budget.

The Manager explained that this has been part of the Town's finance plan for a number of years. During the 1990's the fund was built up. The plan is to transfer monies to pay for the debt service for projects that were approved during the same time period. He showed the budget figures of the stabilization fund. He had hopes to put $2 million dollars back into the fund in the fall. The goal is to bring the stabilization fund back up to be 5% of the operating budget. That is why there are articles to sell land coming up in an effort to do this. However it doesn't appear that he'll be able to come close to this target figure. He stressed that it is important to have a fair amount in stabilization because this is what the bonding company reviews when issuing ratings when it comes to borrowing for capital projects. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 7. The Moderator explained that he was going to read each category of the motion and ask for any questions and then proceed to the next category. He read all the way down to Debt. At that point Mary Tiano questioned why wasn't the money for the State reimbursement for the school project added back into this account rather then the stabilization fund. The thought was as it will come in as a one lump sum payment, rather then have that decrease the debt service which is part of the operating budget for that one year, which would free up that particular amount of money, however then it wouldn't be there as revenue the following year. It made for better budget planning and stability to apply it back to the stabilization fund. On the other hand less money would have to be transferred in the stabilization fund that year which would then allow availability of some money to be used for one time expense items. The Moderator then turned the floor over to the Town Manager so he could explain the budget. He has gone through an extensive review and development of this year's budget. At one point there was an estimated $4 million dollar gap. A series of four joint meetings were held in October, November, January and March between himself, Board of Selectmen, School Committee and the Finance Committee for the purpose of giving updates concerning revenues and expenditures and projections for this 07 budget. As a result, the budget gap has been met and before the Body is a balanced budget. It is balanced in regards to revenues and expenditures and in terms of service that the Town will be able to provide. He showed how the money will be utilized. In terms of revenues the Town can expect $93 million dollars which is 2.3 % over last year. State Aid is projected to be $1,256,143.00 and he listed the reasons for this.

He stressed that Chapter 70 is still a major concern. Chelmsford is not treated well and is treated unfairly in regards to the formula. The projected State aid figure reflects $464,000 that is in Governor's budget. The House budget has level funded the Town, and if the House budget goes through then this figure will go away. That is why there is anticipation of the Senate budget which is due out next week to see how Chelmsford fares regarding Chapter 70 funding. He hopes that the House has been cautious and waiting to see what the Senate does and then it will be resolved in a conference committee. Local taxes are how the Town raises its money. plus through user fee's, available funds such as the stabilization fund and local receipts. He hopes to do well on invested income. Also hopes to receive additional money in building permits. The total budget is $93 million dollars which is $3 million more then last year. He went over the highlights of the increase. Employee benefits increased to $1.3 million dollars between health costs and pensions. The cost of utilities and gasoline, Chapter 70 inequities, lower than expected building permit fees. He then read and showed information regarding an expenditure summary of the budgets listed in the article. He discussed the healthcare issue. Presently there is an article on the warrant that will be withdrawn requiring that all retirees and their spouses and dependents who are enrolled in Medicare Part A be required to enroll in a Medicare health benefits supplement plan. In order to move forward with some actuarially work which is being done under some new accounting standards requirement. This will be addressed at the Fall meeting. Health insurance is a national problem and a major problem in Massachusetts particular to a municipality because of State law. The costs will continue to rise because of the demographics. He isn't blaming the retirees. We have an older work force and a number of costly claims. Also one of the issues is not the fault of the retirees, but the reality is people are able to retire earlier in the public sector vs. that of the private. Under the new accounting standards, the Town will have to document what the real cost of benefits are. This will be for current retirees, the current workforce and projected retirees. He listed the items of concerns for the upcoming year. Also he was concerned with being able to maintain the service level in FY 2008. He showed a graph indicating the history of employee positions over the last ten years. It reflected the increases and the current decreases due to funding and then he ended his presentation.

The Moderator asked if there were any questions. Karen DeDonato questioned the fire department position which isn't being filled. Are all the Fire Stations still able to be open? Yes they will be. Mary Tiano asked where in the budget book do the Selectmen stipends come in. He said under the personnel line item. She questioned what their expenses were. Did the Selectmen receive these over and above their stipends? He explained that it was the cost affiliated with maintaining the Selectmen's portion of running the executive office. The office supplies, conference dues. Marian Paresky questioned why the 60/40 split regarding the percentage of the Town's share which was voted at an annual town meeting was considered illegal. He said that it was not illegal it just should have been handled differently. The Town Meeting can only vote to accept a motion to pay health care costs. Only the Selectmen can vote the actual percentage to be paid. When did the percentage change that retirees pay a different rate. In late 1980's or early 1990 when the Town offered an HMO plan the some retirees moved into that plan and paid the same rate as the employees instead of a separate retiree rate. Then in 2003 another switch was made with the carriers and a 63% rate was paid for an active employee who chose a PPO and slowly it worked up to 75% if an active employee chose HMO blue. The retirees at that time still didn't get switched over to a retiree rate. She asked how many employees are currently paying a 40% rate for their share of insurance. The Manager said no one at this present time. She then asked how many retirees' pay 40%. The Manager said it's supposed to be all and that it will be all. She asked if the Selectmen have determined that. The Manager said that there has been no change; it is the same since the 1985 vote. Kevin Porter

questioned the pie chart in the Finance book. He said that the figure shown there under education doesn't reflect the Manager's figure. The Manager said that the figure that appeared in the motion is the correct figure and that is the one being voted on. Kevin Porter felt that an amendment should be made to bring the book up to date. The Manager said that was the Finance Committee's book, not his and that the vote is based on the motion. Christopher Garraghan questioned the cost of 40B's and was it more then other Towns. The Manager said that it's in line with surrounding communities. Ralph Hickey questioned why there were no lottery figures shown in the warrant book. The Manager explained that in prior years there was money allotted but currently there is none. The Moderator asked if there were further questions hearing none he asked for the recommendations. The Finance Committee recommends the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Mary Franz noted that anyone who has children in the school system will be affected by the cutbacks in the School's budget. She is being affected by the lack of leaf pick in October questioned why is this happening when there had been an trash override in the mid 1990's to cover this cost. She would like the Selectmen to think about funding this service again in the budget. The Town Manager read the amount of money voted in the 1992 override which was $1,655,000 and the present budget is $2,332,000. Mary Tiano made a point that she felt that the information that was provided to the Representatives was inaccurate. She was specifically referring to the Selectmen's stipends. Their budget is reflecting more cost then was reported under the stipend article. She felt that not only are they eligible for health benefits but they also have an expense line item of $9,000 and cost of out of state travel. She felt that this is not right and that this should have been disclosed as a benefit The Manager explained that this expense line item is not solely for the five members of the Board's use. They are eligible like anyone else in private and public work for reimbursement for mileage, for attending conferences, for dues. Plus this includes the Town's membership of $6,000 to the MMA which is the lobbying group that represents all the commonwealth's municipalities on Beacon Hill. The rest of the money is used as stated previously to run their portion of the executive office. Kathy Duffet made mention of the percentage of change in the FY07 School Department budget vs. other departments. The School Department has the lowest percentage. This reflects that they haven't been increased in funding like other departments. Brian Latina questioned the various revolving fund accounts and ask in the future a report be given on what is actually spent out and recovered. He felt that there may be residual funds that can be captured. The Manager explained that by law departments are limited to the amount of money they can hold in revolving accounts. Barry Balan made a motion to move the question which will stop debate. The Moderator asked for a show of hands on this motion. He declared that **the motion carried by recognizing the 2/3's vote by-law.** The Moderator then asked for a vote on the article by way of a show of hands, **motion carried.** The article reads has follows:

Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate the sum of $86,598,145 and transfer $7,500 from the Wetlands Protection Act Revolving Fund; $255,536 from Sewer User Revenues; and $25,511 from Overlay Surplus, to be combined with the $1,900,000 transfer from the Stabilization Fund as authorized in Article 6, to defray charges for the fiscal period July 1, 2006 to June 30, 2007 according to the following items:

Municipal Administration	
Personnel Services	$1,343,725
Expenses	$786,799
Chelmsford School Department	$41,844,579
Nashoba Technical High School	$1,525,511
Public Safety	
Personnel Services	$8,726,634
Expenses	$870,453
Public Works	
Personnel Services	$2,088,410
Expenses	$3,713,824
Snow and Ice	$500,000
Sewer Commission	$5,000
Cemetery Commission	
Personnel Services	$232,118
Expenses	$45,625
Community Services	
Personnel Services	$446,347
Expenses	$180,700
Library	
Personnel Services	$1,067,047
Expenses	$379,869
Undistributed	$14,850,307
Debt	
Principal	$6,672,861
Interest	$3,473,283
Audit	$33,600

UNDER ARTICLE 8. Town Manager Bernard F. Lynch moved that the Town vote to appropriate the following sums to operate the Sewer Enterprise:

Direct		
Personnel Services		$ 550,570
Expenses		$ 1,531,279
	Subtotal	$ 2,081,849
Indirect		
Administrative Costs		$ 181,082
Employee Benefits		$ 74,454
	Subtotal	$ 255,536
	Total	$ 2,337,385

$2,081,849 to come from enterprise revenues and $255,536 to be appropriated in the General Fund and funded from sewer enterprise revenues.

The Town Manager said that this is the second time this article has come before the Body. It is broken down in order to reflect the actual cost of operating the Sewer Division. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 9. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate $25,000 to fund the sand purchase approved by the Town under Article 4 of the 1998 Special Town Meeting held on April 27, 1998.

The Manager explained that the Town is getting near the end of paying off for this parcel of land which was bought in 1998 for $250,000 purpose of supplying the Town with 30 years of sand. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 10. Town Manager Bernard F. Lynch moved that the Town vote to raise and appropriate $150,000 to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6.

The Manager explained that this is a standard article. The Finance Committee in the past used to request $400,000 for a reserve fund. The need is not there due to the budget being set up and voted the way it now is. The Manager is able to transfer within budgets if there is a need. Last fiscal year only $57,000 was needed from the reserve fund. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 11. Town Manager Bernard F. Lynch moved that the Town vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Council on Aging for Fiscal Year 2007. The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip program. Expenditures from the Senior Trip program revolving fund shall be limited to $300,000 during Fiscal Year 2007.

The Manager explained that the fund enables the Senior Center to make arrangements for trips ahead of time, and then the actual funds are recouped when reservations are filled. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 12. Town Manager Bernard F. Lynch moved that the Town vote to authorize a revolving fund under Massachusetts General Laws C. 44, S. 53E ½ for the Police Department for Fiscal Year 2007. The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to $10,000 during Fiscal Year 2007.

The Manager explained that when the old cruisers are sold the money goes into this account. Then when new cruisers are purchased the Department uses money from this account rather than from the operating budget to purchase and install communication equipment in the new vehicles. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 13. Town Manager Bernard F. Lynch moved that the Town vote to authorize a revolving fund under Massachusetts General Laws Chapter 44, S. 53E1/2 for the Inspection Department for Fiscal Year 2007. The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to $9,000 during Fiscal Year 2007.

The Manager explained that it is a State law that the Town has a Sealer of Weights and Measurers. The purpose is to verify that all scales and gas pumps accessible to the public are accurate. The position is a regional one that is supplemented in combination with use by surrounding Towns. The fees that are generated to this account are used to pay Chelmsfords share of the position. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 14. The Moderator read the article in its entirety. The Manager went over each line item. Under Municipal Administration the GIS system is being used to map the utilities that are all over Town. Once approved staff will work with the utility companies and water departments to get their information onto the system. Under Public Safety the money is being used to purchase and replace five cruisers for the Police. This is replacing a 20 year old engine that has already been refurbished once. It will move down into the reserve fleet and the other will be retired. By the time an engine is designed, spec out, built and purchased it won't appear in Chelmsford for at least a year to a year and a half. The Fire Department is one of the best departments in planning for capital expenditures. Under Public Works a dump truck with two chassis will be purchased and can be used for various needs such as a flatbed and sander. The on going drainage improvements are being done along with the sewer construction. The sidewalk work will be done on Boston Rd and the Byam School area. The computer replacement item at the Library is for replacing the sixteen public computers and a new server plus implementing a self service of checking out books. Under Technology the Manager said that this line item is the result of many meetings with the MIS personnel between the School Department and the Town and the Capital Planning Committee. He is pleased that this opportunity and commitment is taking place it will be for the good of the Town. Under School Projects the chalkboard replacement has been on the list for awhile. This is to replace all the slate blackboards with white boards. The two items for the South Row School will complete the goal of bringing this school up to "new school standards". And the money for the High School roof is in conjunction with the school construction project. The two fire station roofs shown are the result of working with the Municipal Facility Director Gary Persichetti. He has made improvements and updates and in this case, recommendations for needs in order to keep the Town's buildings on maintenance schedule. Under Public Education these computers are for the students use. In the future a different way of funding these types of items is being looked into. The Manager then took questions from the Body. John Goffin wanted to know if the GIS system was going to have yearly requests like this. The Manager said that this is the last sizable request at this point, perhaps down the road there may be a need but this should be it. Janet Murphy questioned the Technology line item. Have other towns done this and would there be a savings. The Manager said that there are area towns that have combined their systems and came up with one. The neighboring Town of Westford, Brookline, Andover to name a few. Not really doing this for cost savings as much as efficiently, rather than maintaining two systems and in our case two different systems I net and wireless it is in the Town's best interest to use one and avoid duplication of efforts. Linda Fall questioned about the new auditorium and will it be ADA (Americans with Disabilities Act) accessible. The Manager said yes it will meet all requirements. Dennis Ready wanted to go into debate. The Moderator asked if there were any more questions. Kate Torres questioned the Library computers. Becky Herrmann Library Director explained that the computers are being used by the staff and public. The Moderator asked if there were any more questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked if there was any debate. Dennis Ready then asked to move the question to stop debate. The Moderator asked for a show of hands in favor, he then asked for a show of hands opposing. At this point Kevin Porter interrupted the Moderator and said he was trying to get the Moderator's attention by speaking prior to Dennis Ready moving the question. The Moderator said that he had a technical problem. He does have Kevin Porter's written motion however it is up to Mr Porter to present the motion to the Body. Kevin Porter said that he was attempting to speak just when Mr Ready moved the question. Angelo Taranto verified Kevin Porter's attempt.

The Moderator said he stood corrected and would allow Kevin Porter to now speak. Kevin Porter said that he proposed to amend article fourteen as a result of a School Committee's vote, by deleting the line item for the town wide technology amount of $200,000. He said that he had given the written motion to the Moderator at the beginning of the meeting. The Moderator then read Mr Porter's motion. To amend article #14 by deleting the line item for the town-wide technology information of $200,000. The Moderator noted this would give a total figure of $2,303,141 and for a total amount to be borrowed of $2,350,000. Kevin Porter then spoke about his motion to amend. The School Committee felt that the cart was being put before the horse. There are two very capable people in the two organizations that could put together a plan without the need of a consultant. Currently we have not defined the problem or defined the issue to be addressed on what we're trying to get a consultant to answer. He would hate to spend money and bring in an outside concern when the Town all ready has two capable people being paid to do this type of activity. He would recommend that we use the two people already on our salary to put together an initial plan and then derive those specific questions that we want a consultant to come in and answer. He thinks allocating $200,000 of which $40,000 to $60,000 is going to be spent on a plan and another $140,000 spent on implementation that may happen in the future but is preliminary to do this now. Lets use the resources that we now have at the moment and get the plan put together and come up with specific questions first then the Committee will be all for it. They are all in favor of working with the Town on having a town wide system but he felt that allocating money in a very tight budget at this point is premature and would be used to the best advantage when there are paid employees who are capable of doing this. The Moderator asked for the Finance Committee's recommendation on the motion to amend. The Chairman Jon Kurland said the Committee would wait to hear the Town Manager's response. The Town Manager said he was shocked. None of this was communicated to him until now. He felt there was a communication problem in regards to that. He felt that everyone had agreed to work together to create a plan and bring in a consultant to help them. He understands what Mr Porter is saying; however there have been issues with consultants already at the School Department. In this past year they have spent over $130,000 to have consultants come in to run their network. If that type of money is being spent now, then it only makes sense to spend $60,000 to have a consultant come in work with everyone and design a system that will make sense and be a town wide network system. He is hopeful that despite the School Committee's vote that the Body will endorse the idea that the Town should work as one and that we should have a single town wide technology program. It only makes sense and asked for support. Karen DeDonato asked if there is an issue in timing in regard to borrowing. Could it wait and be done at the fall meeting? The Manager said it doesn't have to be done now that the time frame of getting the monies and implementing it over the summer months was the reason behind this. Frances McDougall felt because of the late hour, that more time is needed to think over this proposal, and wanted to know if it could addressed at Thursday's meeting. The Moderator explained that if the meeting were to adjourn at this point then it would continue on Thursday. Frances McDougall then moved to adjourn the meeting until 7:30 PM on Thursday night April 27th. The Moderator asked if there was any need to debate. He then reminded the Representatives that the petition regarding Chapter 70 was in the back of the hall. He then asked for a show of hands on the motion to adjourn. **Motion carried, unanimously.** The meeting adjourned at 11:15 PM.

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

ADJOURNED ANNUAL TOWN MEETING
April 27, 2006

The Adjourned Annual Town Meeting was called to order at 7:30 PM at the Senior Center. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **141** Town Meeting Representatives present. Attorney John Giorgio was the Town Counsel for the evening.

Barry Balan questioned the Moderators action on April 24th regarding the motion to amend article 14. He felt that there was a motion on the floor to move the question and that the Body was in the middle of taking a vote. The motion to amend should not have been recognized because according to the Moderator's the rules of order speakers are to use the center microphone when requesting action from the Body. The microphones on the head tables are to be used for informational purposes only. The Moderator explained that there had been a sequence of events and a claim that an individual had tried to speak before Mr Ready moved the question even if it was from the wrong microphone two other people verified this action. Barry Balan said that the Body was in the middle of taking a vote and questioned how the Moderator could negate this vote. The Moderator felt that very few times has a motion to move a question passed before debate has begun on a motion. He felt that there was no loss in depriving people the opportunity to debate a question. However in the procedural standpoint he had been called on an error in judgment and he chose to honor the call. By doing so, anything that took place after he corrected his judgment was inappropriate and should not be allowed to continue. Barry Balan then questioned procedurally what it is going to be, are individuals going to be able to talk from the main tables. The Moderator said that he has spoken to the individual and that all debate is to take place from the microphone in the middle of the hall. He will have this added to the Moderator's rule of decorum by the Fall meeting.

The Moderator explained because the motion to adjourn on Monday evening took place in the middle of the debate on the motion to amend article 14, is the point where this meeting will start from.

UNDER ARTICLE 14 con't. The Moderator asked if there was any further discussion on the motion to amend. Kenley Freeman asked a point of order. He said that under the Town Meeting practices and procedures on Town Meeting Representatives, Department Heads and the Town Manager are allowed to make motions to amend. He asked who made the motion to amend article 14. The Moderator said Kevin Porter, who is a Town Meeting Representative and member of the School Committee. And that he signed the motion. Karen DeDonato asked if questions could be asked at this point regarding this motion to amend. Yes this is the time for questions. Dennis Ready asked if Kevin Porter would review his motion to amend the article. Kevin Porter explained the reasoning again and also mentioned shortage of staff availability due to this being done during the summer vacation time. He also specified that a citizen task force should be formed and their results should be brought back to this Body for a vote in the Fall regarding the spending of money for the technology plan. Douglas Gordon wanted to address the roof appropriation for the High School. The Moderator said this is not the appropriate time for this discussion. Ann McGuigan said that she felt the School Department was being arrogant and not the appropriate place for this to be discussed. The decision was made through a committee to procedure with this appropriation. Jodie Murphy expressed concerned with there being a shortage in staff in the technology area at the School level the time it would take to work

on the plan. Could a consultant be called in at anytime? The Town Manger said that the idea of a task force of citizens working with staff along with a consultant would give a fresh set of eyes looking at the technology needs. Kevin Porter cited the accomplishments of the School Building Project Committee. A volunteer citizen committee who's knowledge in the construction and finance field has provided much expertise to the Town. He felt that the same could be done on the technology level. This Town is fortunate to have a tremendous amount of citizens who are from this field and would be willing to volunteer their services. The Manager pointed out that even the School Building Committee and any other prior citizen committee's were provided with a consultant or an architect who acted like a consultant and assisted and advised the committee. The School Department has already spent $160,000 within the last few years in consultant services to assist them with their network. If this type of money has already been spent then how could this type of project be accomplished without the assistance of a consultant? Dr Richard Moser Superintendent of Schools said that the School Department has only spent $15,000 in consultants. The actual amount is $206,000 spent in expenses associated to the network. This was over a two years period. Also for changes done in 2005 for equipment and expertise for network management to cover the lost of staff until a permanent replacement could be found. Karen DeDonato moved to amend the motion by changing the figure of $200,000 to be $140,000 to be removed from the capital planning article. This would leave a total of $2,363,141. John Giorgio, Town Counsel addressed the wording of the article. He said that the purpose of capital planning is to borrow for long range improvements. The technology item includes the purchasing of software for the networking system. You just can't borrow to hire a consultant. If could put the entire article in jeopardy. Karen DeDonato withdrew her motion to amend the article.

The Moderator explained that there is a special town meeting scheduled to begin at 8 PM. He suggested that the Adjourned Annual Meeting be adjourn at this point in order to open the scheduled Special Town Meeting. Then that meeting would be adjourned in order to resume and finish Article 14. Once done the Body would address the adjourn Special Town Meeting. Glenn Thoren asked that the Moderator recognize that there are currently people in line waiting to speak and requested that he would allow them to do so once the Body returned to this meeting. The Moderator asked for a show of hands on the motion to adjourn the Adjourned Annual Town Meeting in order to take up the scheduled Special. **Motion carried, unanimously**. The meeting adjourned at 8:01 PM.

SPECIAL TOWN MEETING
April 27, 2006

The Special Town Meeting was called to order at 8:01 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **141** Town Meeting Representatives present. Selectman Michael F. McCall moved that the reading of the Constable's return of the Special Town Meeting warrant be waived. Motion carried, unanimously. Selectman Michael F. McCall moved that the reading of the entire Special warrant be waived. **Motion carried, unanimously**. Ann McGuigan moved to adjourn this meeting in order to return to article 14. Ann McGuigan said she did not move to adjourn. She then requested that she be taken off the record as doing so. The Moderator acknowledged her request and then said that Barry Balan moved to adjourn the Special Town Meeting in order to take up and complete article 14 of the Annual. Once completed the Body will return to the Special Town Meeting and take up that warrant. Robert Joyce wanted to know why the

Representatives weren't given credit as attending two meetings when checking in. The reason is due to it being held on the session as the annual meeting. The Moderator asked for a show of hands on the motion to adjourn the Special Town Meeting and it will continue at the conclusion of Article 14, (see pg 20) **motion carried, unanimously**. The meeting adjourned at 8:05 PM.

The Moderator resumed the Adjourned Annual Town Meeting where the debate continued under Article 14.

UNDER ARTICLE 14 con't Frances McDougall expressed displeasure with the way the motion to amend came about at the last minute and at the hour of the night. She feels that there should be no further delay regarding staffing issues. This technology needs to be addressed and accomplished now, and by a professional. She asked that the Body vote against the motion to amend. Clare Jeannotte questioned who are the members of the Capital Planning Committee and who do they represent. The Town Manager listed the members. Angelo Taranto, School Committee, Maggie Marshall, Library Trustee, Kerry Spiedel, Finance Director, Sheryl Wright, Town Accountant, Derek Donigan, Finance Committee and two citizen at large Dennis Bak and John Morrison. Their purpose is to work with the Town Manager by reviewing submittals for projects from the various departments and identify the order of priority. They meet approximately at least half a dozen times between January and February and then as liaison members meet with the individual department heads and review their requests. In the case of technology Ted Lutter of the Town side and Bruce Forrester from the School side gave a presentation to the Committee on their particular areas. Clare Jeannotte then asked if anyone from the Committee was willing to come forward and express their opinion for the article based on the study and facts gathered and not emotion. The Manager said that Dennis Bak and John Morrison handled the Technology portion of the article. Dennis Bak came forward and addressed the Body. Basically the Committee discussed this at length. Both Technology Department Heads were asked to come and discuss their ideas and discuss the problems they would have on developing a town wide network infrastructure. After the discussion with the Department Heads and the Committee the conclusion was to go ahead and handle this in two phases. One need is have a consultant come in who is a subject matter expert on network design. The other need is to have seed money to do initial deployment. That is the two components of the request. The Committee knows that more will need to be invested in this project in future years and that is why a plan must be designed so these steps can be carried out when the future requests are submitted. Clare Jeannotte felt that collective input had been accomplished and reviewed by the Committee and this motion is only an attempt to delay the project. She asked that it be defeated. Glenn Thoren questioned the citizen input portion of the task force. Dennis Bak said this discussion started at least two years ago regarding the purchasing of computers. The Staff members are the key contributors to the plan then the members from the community who have expertise in the area would give guidance to the plan. However, the consultant is the main expertise. No one knows the up to date information on exactly what is happening in the industry except a subject matter expert on network design. The Manager further commented, Ted Lutter is representing general government. The Body needs to realize that there are other departments who will offer their input to this besides the school. Like Public Safety, Library and others. This is the Town as a whole project. Not just Town and School. Robert Joyce spoke in favor of having professionals come in and do this project. He wanted to know what Towns had done this. The Manager said Westford, Winchester, Brookline, Quincy, Amesbury, and Arlington. We're not consolidating for the sake of consolidation it only makes sense for streamlining and sharing resources. If the Schools needs can't be met through this then other

means will have to be looked at. Kathy Duffet discussed the cost of the consultant. She had been a member of the Cost Savings Committee and the discussion was around $15,000 for a consultant. The Manager said it was decided that this would be the figure it may not be the amount spent. They discussed other issues that had been mentioned in a series of e-mails back and forth. Then the Manager explained that the School Department had, despite this capital planning item, started developing their own new system tying in buildings outside of their original network. Kathy Duffet asked if there was a rush, couldn't the money could be voted on at the Fall meeting after the task force is chosen. The Manager explained the task force could be appointed and begin working on the plan. The money from the article couldn't be spent until there was a task force formed and up and running. Peggy Dunn moved the question to stop debate on the motion to amend. The Moderator asked for a show of hands. He declared that **the motion carried by recognizing the 2/3's vote by-law.** The Moderator then asked for a vote by way of a show of hands, on the motion to amend the article by deleting the $200,000 line item regarding town-wide technology from the article. The **motion was defeated.** Back to the main motion. The Moderator then asked if there was any debate. Kenley Freeman questioned the price of the individual computers for the schools being in the capital budget. The Manager said that these items and those for other departments shouldn't be funded through capital planning and will work with the Schools and other departments to avoid these types of expenditures in the future. Douglas Gordon questioned why the Town spending money for the High School roof when it was part of the School Building project. The Manager said that this is the amount that was spent in moving the School Department over to the current location and renovating the building. Rather then return to the voters and request more money for the project it was decided to go through the capital planning process for the roof. Mary Tiano questioned if a memorandum of understanding agreement been drawn up and agreed upon between the school and town. No, it has not and it may not be necessary. It may be done when this happens. The key element is to have a single network. She wanted to know if this is something that the task force should decide. He said no it would be a management decision between himself and the School Superintendent. Dennis Ready moved the questioned. The Moderator asked for a show of hands on the motion to stop debate. He declared that **the motion carried by recognizing the 2/3's vote by-law.** He then asked for a vote by way of a show of hands on the article. He declared that **the motion carried by recognizing the 2/3's vote by-law.**

The article reads has follows:

Town Manager Bernard Lynch moved that the Town vote to appropriate $2,503,141 for the following capital projects:

Projects Listed by Functional Category			**FY2007**
Municipal Administration			
Planning & Development			
	Geographic Information Systems	$	40,000.00
Municipal Administration Subtotal			**$40,000.00**
Public Safety			
Police Department			
	Cruiser Replacement		$170,928.00
Fire Department			
	Replace Engine 5 (1987)		$303,713.00

Public Safety Subtotal			**$474,641.00**
Public Works			
Highway Division			
	6 Wheel Dump Truck, 2 chassis		$110,000.00
	Drainage Improvements		$100,000.00
	Sidewalk Construction		$100,000.00
	1/2 ton pickup truck replacement (1984)		$26,500.00
Department of Public Works Subtotal			**$336,500.00**
Community Services			
	Library		
	Computer Replacement		$30,000.00
Community Services Subtotal			**$30,000.00**
Town-wide Technology			
Information Technology			
	Centralized Technology Study & Phase I Implementation	$	200,000.00
Town-wide Technology Subtotal			**$200,000.00**
Municipal Facilities			
School Projects			
	Elementary School Chalkboard Replacements	$	50,000.00
	South Row Floor Tile Replacement	$	90,000.00
	South Row Parking Lot, Curbs & Sidewalks	$	100,000.00
	High School Roof	$	750,000.00
	School Projects Subtotal		**$990,000.00**
Fire Stations			
	North Station Roof	$	25,000.00
	West Station Roof	$	25,000.00
	Fire Stations Subtotal		**$50,000.00**
Municipal Facilities Projects Total			**$1,040,000.00**
Public Education			
	Computer Lab/ Classroom Computers	$	250,000.00
	Classroom Furniture (South Row, Byam and Westlands)	$	132,000.00
Public Education Projects Total			**$382,000.00**
	Capital Improvement Program		**$2,503,141.00**

And to fund said appropriation, that $7,964 be transferred from ATM-01-14; $40,000 from ATM-02-16; $658.75 from ATM-03-13; $4,518.19 from ATM-04-14; and that the Treasurer,

with the approval of the Board of Selectmen, to borrow $2,450,000 under Massachusetts General Laws Chapter 44, Sections 7 and 8 or any other enabling authority to fund these obligations.

The Moderator declared that the Body was now going to take up the Adjourned Special Town meeting it was 8:40 PM.

.

UNDER ARTICLE 1. Town Manager Bernard F. Lynch moved that the Town vote to amend the Fiscal Year 2006 operating budget under Article 8 of the Annual Spring Town Meeting held on April 25, 2005 as amended by Article 7 of the Annual Fall Town Meeting held on October 17, 2005 and Article 4 of the Annual Spring Town Meeting held on April 24, 2006 as follows:

Decrease Line Item #6, Public Safety Expenses, by $38,204.40; and
Increase Line Item #5, Public Safety Personnel Services, by $38,204.40

Decrease Line Item #1, Municipal Administration Personnel Services by $10,000; and
Increase Line Item #2, Municipal Administration Expenses, by $10,000

Decrease Line Item #1, Municipal Administration Personnel Services, by $15,000; and
Increase Line Item #17, Undistributed, by $15,000

The Manager explained that the figures adjustments under public safety are the result of the settlement of the Police and Fire Departments union contracts. The figures under Municipal Administration, is for the analyst of benefits of post employment benefits for all current and retired employees. This is a requirement of the Government Accounting Standards Board in order to get a clean audit. The third section is in regards of employee health insurance. Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 2. Selectman Michael F. McCall moved that the Town vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land on **Shore Drive** and shown on Assessor's Map 24, Block 48, Lot 28. The property contains 6,709 square feet, more or less, and is more fully described in a deed dated October 6, 2005 and recorded in the Middlesex North Registry of Deeds in Book 19366, Page 159; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

The Manager explained that this piece of land is on Shore Drive. The Town took the property last year for back taxes and now feels it should be sold to abutters or any party of interest. It would serve better to sell the parcel to abutters or people of interest and get them back on the tax roles. There are Town owned parcels located all over that serve no purpose or sense for the Town to keep. The purpose of this and the upcoming articles is to generate money from these sales and then transfer it back into the Stabilization Fund. This fund is being used to fund various services of the Town. It is important to build back this fund because the Town needs to

have reserves. This is something that Bond Counsel reviews in order to determine what the rate of interest will be when the Town borrows monies for capital projects. There have been concerns with 40B projects being built on these parcels. That is why there is wording on all the articles that will limit what the land can be used for regarding structures. The goal is to do what is suitable for the neighborhoods and bring revenue into the Town. He explained that this parcel is 6,709 sq feet. Its assessed value is $47,700, not wet and maybe of value to abutters.

Pat Magnell questioned at what point would it be determined if this lot is buildable. Before it was to go out for bid it is reviewed. Jim Dolan questioned why do it now when real-estate has started to go down. Should have been done prior to this but there wasn't a need, now there is. Jodie O'Neil questioned if this land or any of the others are sold now is there an opportunity later that if resold it would loose the restriction and anything could be built on it. No it will have a restriction clause that stays with the property. Town Counsel further explained the intent is subject to a deed restriction recorded at the Registry of Deeds. If anyone would want the restriction lifted it would require a town meeting vote. Pam Armstrong asked if there is a length of time on the deed restriction. The deed restriction is forever. Pat Magnell questioned that the information on the articles that she received did not have this additional wording and wanted to know what guarantee that it will be on it. The Moderator explained that the Town Clerk received the motion and provided it to him after he read it. What appears on the screen is the wording that he has in front of him and he read the additional wording into the record. Beginning after page 159: "provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit." The Manager further explained that the Representatives are sent the warrant which is notifying the public what is going to be happening. The actual vote taken is based on the wording that appears on the motion voted on at the Town Meeting. Selectman Michael McCall questioned if the Board of Selectmen had the right to reject a bid if they felt the amount wasn't acceptable or high enough. Yes they did. Clare Jeannotte asked if the Town Manager would let the Body know if a direct abutter or a party of interest had expressed curiosity in purchasing the parcel in question. Yes he would. The Moderator asked if there were any further questions. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Robert Joyce wanted the people in attendance to understand that if any of them wished to speak that this is the time to do so. The Moderator asked if there was any further debate. Hearing none he asked for a vote by way of a show of hands. He declared that **the motion carried by recognizing the 2/3's vote by-law.**

UNDER ARTICLE 3. The Moderator read the motion to the Body and it included the additional wording of the restriction on the parcel. The Town Manager explained that the following are parcels of land that have been identified as not having any ability to be built on unless they're joined to adjoining lots owned by the abutters. Robert Joyce made a point of order. He felt that there were too many lots being presented under one article. There may be some lots that he agreed should be sold and others that he may not feel is right to sell. Rather then not vote for any, he wanted each one to be brought up and voted on separately. He made a motion to divide article 3's motion so that each property is voted on separately. The Moderator read to the Body from Town Meeting Time which is the procedural book referred to from time to time by Moderators. "The result will be the same as if motions to amend by striking out the several parts had been made and put to the question". This means that by dividing the question each section will be have questions and debated and voted as if it was a separate article. If the Body chooses not to divide then there will be only one session of questions and debate on the

entire article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried.**

Under Article 3A The Manager presented the following information. This is a 0.30 acre lot. Assessed at $1,700 it is a small wooded and dry parcel behind Main St and Groton Rd. It has no legal frontage, not a buildable lot by itself. Less than required lot area per zoning. Appears to be part of larger lot taken for Rt 3 and there is possible abutter interest. The Moderator asked for questions. Hearing none, he asked for recommendations. Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.** The article reads as follows:

Selectman Michael F. McCall moved that the Town vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land as located and identified as follows:

A. **Off Main Street**, shown as Lot 23 on Assessor's Map 17, Block 82 containing 0.30 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 302; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

B. **WITHDRAWN;** The Manager explained authorization is not needed at this time.

Under Article 3C The Manager presented the following information. This is a 0.29 acre lot. Assessed at $1,600 it is a small wooded and dry lot between Schofield St., Footpath and Graniteville Rd. It has no legal frontage, not buildable by itself. Less than required lot area per zoning. It is fairly steep slope over a short distance and there could be possible abutter interest to supplement existing lots. Currently there is no one interested in the lot. More then likely these types of lots are being used by the abutters without authorization. The Moderator asked for questions. Hearing none, he asked for recommendations. Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.** The article reads as follows:

C. **Off School Street**, shown as Lot 4 on Assessor's Map 46, Block 199 containing 0.29 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2457, Page 347/348; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

Under Article 3D The Manager presented the following information. This is a 0.24 acre lot. Assessed at $14,100 it is located between Diane Ln and 495-S. Narrow parcel appears to be remnant of a larger lot. It likely was taken for the original construction of Route 495. There are wetlands on the east end of the lot. It is not buildable by itself. It has legal frontage, but less area than required for zoning. It could have possible interest to abutters.

John Goffin asked if before any advertising is done is it possible to just notify the immediate abutters to see if they are interested. The Manager explained that this is what is normally done with small acre lots like this. It avoids the cost going thru the whole legal process. Jodie O'Neil asked if it would be possible for abutters to split the lots in these articles between them. Yes it could be done. She then said that even though legally it is not necessary to notify abutters prior to Town Meeting action, but is there a way that it could it be incorporated, that way the Representatives would be able to get a better feel from the abutters on these types of properties, just to be polite. The Manager said it could be established as part of the procedure in the future. George Merrill asked if any of the lots shown open up any land locked properties. Andrew Sheehan said that none of the ones previously shown do and he will address that issue on the remaining lots. The Moderator asked if there were any other questions. Hearing none, he asked for recommendations. Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.** The article reads as follows:

D. **Off Diane Lane**, shown as Lot 34 on Assessor's Map 62, Block 230 containing 0.24 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 8306, Page 172; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

Under Article 3E The Manager presented the following information. This is a 0.12 acre lot which is assessed at $76.800. It is a small triangular parcel mostly dry with some wetlands in the rear of the lot. Not adjacent to any public land, not buildable by itself less than required frontage and lot area under the zoning by-law. The abutter at 8 Cliff Rd appears to be using a portion. There is possible interest by the abutter to supplement their existing lot. Joyce Johnson who is a direct abutter expressed interest in obtaining the parcel. The Moderator asked if there were any other questions. Hearing none, he asked for recommendations. Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.** The article reads as follows:

E. **Off Cliff Road**, shown as Lot 14 on Assessor's Map 69, Block 309 containing 0.12 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 4591, Page 1; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

Under Article 3F The Manager presented the following information. This is a 0.69 acre lot which is assessed at $18,600. It is on the north side of Bentley Ln. A stream bisects the lot. This was possibly a parcel created by the subdivision; the developer may have left the land undeveloped due to septic issues. The stream and wetlands render the lot unbuildable. It is not adjacent to public land and there could be possible abutter interest, however no one has expressed any interest at this time. Edward Andersen questioned if this stream that runs through the parcel was considered State wetland. Andrew Sheehan Community Developer Director explained that it is wetland according to the jurisdiction of the Commonwealth's

Wetland Protection Act and the Town's Conservation Commission. Mr Sheehan said in his opinion it is not considered a perennial stream. It is a stream the flows during part of a year and has wetlands associated with it. Mr Andersen said water flows through it all year long why would it not be. It doesn't show on the State and Federal maps as a perennial stream. The Town's Conservation Commission hasn't considered it to be one based on the small water shed that drains into it. A determination could be made at a future point if someone was to build near it. Mary Tiano questioned the various assessed value that was appearing on this lot and previous lots. The Manager explained that these assessed values go way back. The Town owns the property so it is never challenged. The Assessors in the future are planning to review these types of Town owned property and update the values. What is the projected dollar figure if this entire article would pass that the Manager is planning to return to the Stabilization Fund. Probably about $700,000 to $800,000, these small lots would probably bring in $1000. The purpose is to get this off the Town's inventory, back on the tax role, there are potential liability issues. It would be more beneficial to abutters to add the parcel to their land and increase their lot area. Gail Kruglak asked if the other parcel that will be coming up and this one could be combined into one lot. No there is a street in between. Brian Latina questioned who would pay for the surveying and court fees. It is generally part of the bidding process when determining the price. The interested party would pay. Paul Gleason walked the area and was surprised to find the amount of water in the area. How was this allowed to be built? Mr Sheehan explained that when this subdivision was proposed and built in 1959 there was no wetland protection act and that the developer laid out the development any way he wanted in order to created the most buildable lots. It is assumed that when he couldn't get septic systems approved for the lots in 1966 he stopped paying taxes and the Town took them. Mr Gleason questioned when the administration decided to put this parcel up for sale was the Town Engineer part of the process in determining the drainage issue. Jim Pearson the Town Engineer said that he was not part of the process. He looked at the drainage plans but did not physically walk the area. More of the same questions took place. The Moderator asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Edward Andersen says that this is a perennial stream and feels it should be classified as one. It is a major drainage area for the subdivision, it should not be sold. Kenley Freeman spoke against selling the parcel. Scott Peluso said as an abutter he doesn't see the advantage of purchasing wetland. It doesn't make sense for him to purchase land that somebody else could buy but not build on and the Town deems it wetland. Residents in the immediate area came forward and asked that the article be defeated. James Dolan moved the question. The Moderators asked for a vote byway of a show of hands. He declared the **motion carried by recognizing the 2/3's vote bylaw.** He then asked for a vote on the article by way of a show of hands. He declared **the motion defeated**. The wording of the defeated article is as follows:

F. At **15 Bentley Lane**, shown as Lot 17 on Assessor's Map 71, Block 306 containing 0.69 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

Under Article 3G The Manager presented the following information. This is a 0.73 acre of land. It is assessed at $147,300 which is acknowledged as being a very high assessment. It is 50% wetlands and impossible for any development. It is opposite the intersection of Grove and Summer St. Not adjacent to any public land. It has only 100 feet of frontage (125 is the zoning requirement) It satisfies the minimum lot area in a RC zone. The only interest would be to abutters. Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Robert Joyce questioned if any abutters had expressed an interest. The Manager said no, not at this point. The Moderator asked if there was any further debate. Hearing none he asked for a vote by way of a show of hands. He declared the **motion carried by recognizing the 2/3's vote bylaw.** The article reads as follows:

G. **Off Summer Street**, shown as Lot 3 on Assessor's Map 84, Block 334 containing 0.73 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 6608, Page 120; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

Under Article 3H The Manager presented the following information. This is a land locked parcel of 2 acres. It is assessed at $25,300. It is dry and mostly wooded. Parcel is not buildable on its own. It is not adjacent to any public land. The abutters on Braeburn Rd appear to be encroaching on the property with lawns, play structures and/or accessory uses. There is one abutter who is interested in a piece of this. Other abutters may have interest to expand their own lots. When the Braeburn and Higate Roads were developed, this large parcel was left for whatever reason. Chuck Crannell who is a direct abutter asked if the assessed value is 100%. The Manager said he hoped so. How could it be divided up? The Manager said the Town would sit down with the abutters to see what they would want or be interested in then get a square foot price. Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none he asked for a vote by way of a show of hands. He declared the **motion carried by recognizing the 2/3's vote bylaw.** The article reads as follows:

H. **Off Park Road**, shown as Lot 45 on Assessor's Map 133, Block 475 containing 2.00 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 11120, Page 237; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

UNDER ARTICLE 4. Selectman Michael McCall moved to withdraw this article in light of the discussion regarding the previous Bentley Lane article. Thomas Fall asked if this article could be brought back. The Moderator explained that once this Body adjourned this meeting it could not be brought back up. However, it could be placed on a warrant for another time and brought back. Billy Martin asked if it could be reconsidered and brought back to the floor at this meeting. The Moderator explained that if a motion is made and voted on then it could be brought back. Billy Martin asked if some one could reassure the Body that this was not the intention of withdrawing. Selectman McCall said that he was not planning on reintroducing the article. Frances McDougall questioned that once the Special Meeting is adjourned and the Body returns to the adjourned annual that this article can not be acted on. The Moderator said

that was correct. The Moderator asked for a show of hands on the motion to withdraw. The **motion carried**. The withdrawn article reads as follows:

Selectman Michael F. McCall moved that the Town vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land located and identified at **12 Bentley Lane**, shown as Lot 6 on Assessor's Map 71, Block 311 containing 0.90 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

UNDER ARTICLE 5. Selectman Michael F. McCall moved that the Town vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land located and identified at **3A Stillwater Drive**, shown as Lot 11 on Assessor's Map 119, Block 448 containing 0.56 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 17554, Page 53; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

The Manager presented the following information. This is s 0.56 acre lot which is assessed at $90,200. It has insufficient lot area under the zoning by-law. It has a steep slope in the rear to Marina Rd. It had gone to the Board of Appeals in 2005 and the abutters opposed the development. The lot may be of interest to abutters who wish to use the land to supplement their existing lots. Sandipkumar and Subina Bhatt who were direct abutters to the property said they were told that half of this land was owned by someone else. The Manager said that the land shown and described is owned entirely by the Town. It was taken for non payment of taxes. Mary Gregoire asked if there was any interest from abutters in purchasing it. No, not at this time. The Moderator asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Sandipkumar and Subina Bhatt asked that the Body not sell the land. The Moderator asked if there was any further discussion. Hearing none he asked for a vote by way of a show of hands. **Motion defeated.**

UNDER ARTICLE 6. The Moderator said that he had a motion to withdraw this article from Selectman Michael McCall and he asked if there was any explanation. The Town Manager explained between the added restriction and the fact that this land is zoned as "P" for public and cannot be built on more time is needed. There is potential opportunity for this parcel to be sold in the future. Prior to doing so a development plan will be drawn up by the Town and the abutters will be notified brought into the process and allow them to understand what the plans would be. It will be brought back at a later time. Due to the size being 10 acres, there is a potential for revenue for the town. Ralph Hickey explained that he was a newly elected Representative and he ran based on protecting the McFarlin Girls Softball field on the corner of Chelmsford and Wilson St. He knew it was not on the warrant however the situation is the same as this article. The Town wants to re-zone it and sell it and he began reading a letter from

Maureen Perry who was expressing concern with the Town selling the McFarlin property. The Moderator stopped Mr Hickey and explained that this letter has nothing to do with the property being discussed in the motion and that he could not continue because he would be out of order. Alex Buck questioned if this was conservation land. No it was not. Peggy Dunn asked if this was public land why doesn't the Town not sell it and keep it as open space. Two of the abutters wanted to know if the land could be broken up into smaller lots and sold to the surrounding abutters. This could be done. Danielle Evans said that currently there is a proposed 40B going in on Mill Road and that the Town needs to maintain open space whenever possible. It is important for the environment and wildlife. Dennis Sheehan spoke against selling any public zoned land. When residents go to buy their property and see that the land abutting theirs is zoned P they do not expect to have it go for sale. This should not happen and asked that the Selectmen think twice about doing this again. Samuel Poulten spoke in favor of withdrawing. He expressed concern that it will come back again. The Town got these 10 acres for a bargain purchase of $1.00. That's where the Town made its money. He spoke about the importance of maintaining open space. He hoped that before it is brought back for resale to make money that the Town rethink this how important open space is to that neighborhood. The Manager responded that it is important to have and maintain open space. The Town over the years has purchased many parcels in the attempt to maintain open space. The Town is very concerned about neighborhoods being over developed in regards to 40B projects that's why in 1989 the Town opposed the development of Lamplighter Green. William Hagel expressed his hopes that the Town keeps this land as open space and does not sell it. Samuel Poulten spoke in regards to the Manager's comment. That if the Town was going to fight a development in a sandpit then it should definitely not encourage a development in this sensitive area. Joyce Johnson moved the question to stop debate. **Motion carried, unanimously**. The Moderator asked for a show of hands on the motion to withdraw, **motion carried.** The withdrawn article read as follows:

Selectman Michael F. McCall moved that the Town vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land located and identified as follows:

A. **Off Mill Road**, shown as Lot 25 on Assessor's Map 105, Block 397 containing 6.70 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 3732, Page 12; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

B. On **Mill Road**, shown as Lot 4 on Assessor's Map 113, Block 397 containing 3.4 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2906, Page 246; provided that the conveyance contemplated hereunder shall be subject to an express restriction limiting development on the parcel to a single residential dwelling unit.

UNDER ARTICLE 7. Selectman Michael F. McCall moved that the Town vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a

portion of certain parcels of land located and identified on **Russell Road**, as shown as Lots A, C, D and E on a plan entitled "Approval Not Required Under Subdivision Control Law" as surveyed by Richard L. Monahan-Registered Land Surveyor and recorded in the Middlesex North Registry of Deeds in Book 112, Page 9 and further identified as:

A. Lot A on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as Lot 1 on Assessor's Map 12, Block 38 containing 2,100 square feet, more or less;

B. Lot C on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as Lot 3 on Assessor's Map 12, Block 38 containing 1,315 square feet, more or less;

C. Lot D on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as Lot 3 on Assessor's Map 12, Block 38 containing 1,315 square feet, more or less;

D. Lot E on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as 5 on Assessor's Map 12, Block 38 containing 1,080 square feet, more or less;

The Manager explained that at the previous Fall meeting the Body had approved the selling of Lot B. When the process of preparing the sale was done an abutter informed the Town that they had a deed saying that they already owned the land. A review of the title work was done and it was determined that the Town did in fact own the land. Even though a deed had been drawn up and filed at the Registry of Deeds and the land sold, the title is cloudy. The Town started looking at the other lots in order to obtain clear title for the owners and protect the Town's interest. It was found that all of the above mentioned lots have problems. The purpose of this article is to have the opportunity to have authorization to continue negotiations with the property owners along the lake in order to clear up their title issues plus protect the Town's interest and make sure that everyone has clear title to waterfront access. Even though people have been paying taxes for years on these parcels the title work done shows that the Town really owns the property. Many questions were asked concerning the title search. Kevin Newton questioned who did the search? A title examiner and Town Counsel reviewed it. Kevin Newton asked if anyone from the Town has walked the property. Dennis Sheehan asked if by selling these properties are we giving up public access. No, we have other access. The purpose is to not gain public access but to clear the title for the owners and bring some potential revenue to the Town. Edward Madden questioned Lot E. He owns property on Russell Rd. He gave information to the Manager regarding the sale of lot E by the Town years ago. The Manager said he is still working on it. Mr Madden said he has paid taxes for many years. Kevin Newton said he has paid more in taxes over the years then what it is valued at according to the tax bill. Karen DeDonato asked if the when the titles are cleared and the time comes to sell will the Town take into consideration the taxes that these residents have paid and sell the property back to them for $1.00. The Manager said he cannot comment on this. Glenn Thoren asked if the liability for overpayment of taxes is limited to just one proceeding year. Town Counsel said that a resident can challenge an assessment of taxes; a resident has to pay the tax and file for abatement. There is one way that a tax payer can abate taxes for prior years but the Department of Revenue has to give approval. Glenn Thoren asked if private owners can adversely process

against the Town. No they can not. Barry Balan questioned why the Town just doesn't convert the land to the abutters and it's all cleared up. Town Counsel explained that the Town Meeting can authorize the conveyance of land which is the purpose of this article. The Selectmen still have to go have to determine the value and condition of reuse. Barry Balan asked if a motion could be made that the Body would strongly support selling it for $1.00. Town Counsel said a non-binding stipulation could be added, however, in his opinion it would go beyond the authority of Town Meeting to convey the land for $1.00. No vote of Town Meeting can force the conveyance. The Body can only authorize it. The Manager explained that the Town is opened to trying to work things out regarding the taxes already paid but there are other issues that need to be considered. Town Counsel said that the Body should vote affirmative on this article and it would give the Selectmen authorization to go thru the process of obtaining clear title. If there is a no vote then the Board will not have any authority to convey whatever interest the Town has by way of a quite claim deed. George Ripsom questioned what the value of the assessment of the properties is. The Manager doesn't have this information, however, Kevin Newton spoke up and said he is assessed $3300 for Lot C & D combined and pays $255 a year. Susan Sullivan questioned if the cost of having Town Counsel work through the process of clearing the titles was more than the actual value of the land. The Town doesn't want to spend a lot of money or Town Counsel's time with this issue. Gloria Clancy said she was the owner of Lot B. She didn't know anything about the Town trying to sell her lot last Fall. She received a notice like her neighbors saying that the 500 square foot strip of land that she owned and had been paying taxes on which was valued at $3,000 was for sale and if she was interested the minimum bid was $10,000. She asked the Manager to verify that this information had been sent. The Manager said it had. The Moderator asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Glenn Thoren spoke in support of the article. Kevin Newton asked that the residents involved with this have access to the paperwork involving this action. The Manager said he would make sure they received it. Karen DeDonato asked if any of the residents would care to express if they felt it would be in their best interest to vote for the article and allow the Town to work with them in reaching clear titles. Kevin Newton said he didn't feel that this would be in his best interest. He has paid taxes and upkeep over the years and he doesn't want what happened to Mrs Clancy regarding the minimum bid amount of $10,000 happen to him. Peggy Dunn asked what would happen if the Body votes no on the article. The Manager said that the residents would have cloudy titles. Town Counsel explained that the residents could go to land court and that would involve court costs and legal fees and would be time consuming. Jodie Murphy asked that an update in the Fall be given to the Representatives regarding this issue. The Manager said he would. Jeff Stallard urged that the Selectman do the right thing and take into consideration the land owners who have been paying taxes on these properties. Kevin Newton asked if this article wasn't voted tonight if it could be placed on the warrant for the Fall meeting. Yes it could. Kevin Newton felt that way more time could be given to resolving this. Frances McDougall moved the question to stop debate. The Moderator asked for a vote by way of a show of hands. He declared that the **motion carried, by recognizing the 2/3's vote by-law**. The Moderator then asked for a vote on the motion by way of a show of hands. He declared that the **motion carried, by recognizing the 2/3's vote by-law**. Alex Buck questioned the count. The Moderator asked that the tellers come forward and conduct a hand count. Dorothy Frawley, Thomas Gilroy, Janet Holmes, John Maleski. The result was: **Yes 63 No 53, 2/3's vote is 77, the motion is defeated**.

Selectman Michael McCall moved to continue the Special Town Meeting due to it being past 11:00 PM. The Moderator asked for a show of hands, **motion carried.**

UNDER ARTICLE 8. Selectman Michael F. McCall moved that the Town vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located and identified at **27 Freeman Road**, shown as Lot 21 on Assessor's Map 113, Block 431 containing 1.04 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2655, Page 92; and further described and shown on a set of plans, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference; and to see if the Town will vote to raise and appropriate, $10,000 and to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as the result of any such taking.

The Manager explained that the property at 27A Freeman sits behind two other homes. It has a partially built house on it that had been started many years ago by a builder. During this time two other homes had been built by the same builder in front of this lot and sold. No access to the street had been obtained from the back lot through either of the other two lots. As a result a court battle took place between the owners of the homes and the builder. The builder was found at fault because he had never obtained an easement prior to building the other two homes. This eventually led to the property being abandoned and taken for back taxes. The Town received authorization from this Body last Fall to sell the property. The Town needs to obtain an access easement either by eminent domain or agreement to enable a potential buyer and equipment can get onto the property. The Manager felt that the sale of the property could bring in $200,000 in revenue. Patricia Magnell questioned if the lot that the Town received authorization to sell last Fall 27A Freeman Rd has any restriction like the ones passed at this meeting in regards to limitations. The Manager said the same type of wording will be included as a deed restriction when the deed is drawn up. Jodie Murphy asked if the residents at 27 Freeman Rd had been notified of these plans. The Manager said they haven't been yet. Patricia Magnell said she had gone on the Registry of Deeds web site for this property. It indicates that there is already a 15 foot driveway going along 27 Freeman. How much more is needed? The Manager said that the heavy equipment trucks are wider then 15 feet, The Moderator asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any further debate. Jodie Murphy felt that the people at 27 Freeman Rd should have been notified that this was taking place. She was uncomfortable and felt that the Town shouldn't be able to take it by eminent domain. The Manager said it needs to have this option because of the need to get onto the property. Barry Balan Chairman of the Sewer Commission explained that this is the process. The Town receives permission to take the land by eminent domain then meets and negotiates a price with a land owner. This Body has allowed the Sewer Commission to do this for years. Richard Day of the Health Department says it is a clear liability to the Town and needs to be acted on now. Brian Latina spoke against the article. He felt the residents at 27 Freeman Rd should have been notified. Maureen Cote asked if there were other alternatives to this because of the other road being available. The Manager said there was no other road. There is a stream and a steep slope and because of the River Act can not cross the stream. Christopher Garraghan spoke in favor of the article. It is a public safety issue, a potential fire hazard. Frances McDougall moved the question to stop debate. The Moderator asked for a vote by way of a show of hands. He declared that the **motion carried, unanimously.** He then asked for a show of hands on the article. He declared that the **motion carried, by recognizing the 2/3's vote by-law**.

Seeing that there was no further business, Dennis Ready moved to adjourn the Special Town Meeting. The Moderator asked for a show of hands, **motion carried**. The meeting adjourned at 11:44 PM. Dennis Ready then moved to adjourn the Annual Meeting until Monday May 1st at the Senior Center at 7:30 PM. **Motion carried, unanimously.** The meeting adjourned at 11:45 PM.

_____ _____

Dennis E. McHugh, Moderator Elizabeth L. Delaney, Town Clerk

ADJOURNED ANNUAL TOWN MEETING
May 1, 2006

The Adjourned Annual Town Meeting was called to order at 7:32 PM at the Senior Center. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **138** Town Meeting Representatives present. Attorney Patricia Cantor was the Town Counsel for the evening.

UNDER ARTICLE 15 Selectman Michael F. McCall moved that the Town vote to authorize the Board of Selectmen to acquire by gift a drainage easement presently located on properties on Mill Road, identified as Lot 6 on Assessor's Map 113, Block 387 in accordance with plan on file in Town Engineer's office.

The Manager explained that recently the Town had done extensive sidewalk and drainage work in this area of Mill Rd. In the interest of good community this is a gift of land from Lloyd Greene. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 16. Town Manager Bernard F. Lynch moved that the Town vote to authorize the Board of Selectmen to convey a driveway and utility easement from Lot 2 to Lot 1, also known as 19 Maple Road, as shown on a plan entitled "Plan of Land in Chelmsford, MA, Prepared for the Town of Chelmsford, 50 Billerica Road, Chelmsford, Massachusetts" dated October 8, 2002 and recorded at the North Middlesex District Registry of Deeds in Plan Book 209, Plan 136, prepared by PM Flaherty Associates, Inc., which plan is on file in the Community Development Department and the Office of the Town Clerk.

The Manager explained that this is in regards to the Red Wing Farm property that the Town had purchased a few years back. Part of the condition of the purchase was to subdivide the property and sell one parcel with the house. The Town would maintain the remaining parcel as conservation land. There was a circular driveway located on the parcel prior to the subdividing. Once the subdivision was done due to the way the lot line was established, there was only one entrance to the driveway. This easement would allow access over the conservation land to the driveway. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. The Moderator declared that the **motion carried, by recognizing the 2/3's vote by-law.**

UNDER ARTICLE 17. Town Manager Bernard F. Lynch moved that the Town vote to authorize the Board of Selectmen to convey an easement to National Grid on a parcel of land owned by the Town and situated on the easterly side of Richardson Road and identified as Parcel 2 on a Plan of Land as recorded at the North Middlesex District Registry of Deeds in Plan Book 107, Plan 52, said easement to be for the purpose of installing and maintaining a transformer necessary to provide electrical service to said parcel, or act in relation thereto.

The Manager explained that this easement was needed by National Grid in order to install a transformer on the football track site of the High School. The Finance Committee

recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 18. Barry Balan moved that the Town vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Robin Hill Road/Burning Tree Lane Area – Phase 4G Sewers" dated February 2006, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; . . . , and further move that the two parcels of land designated on such plans as Parcel A and Parcel B, currently held for general municipal purposes be transferred to the care, custody and control of the Sewer Commission and the Department of Public Works for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto, and for all related purposes.

Richard Day of the Sewer Commission explained that this is already Town owned land. There are no actual property owners involved. These are two parcels of land needed for a pumping station. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there were any questions or need for discussion. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 19. Dwight Hayward moved to waive the reading of the article. The Moderator asked for a show of hands on the motion. **Motion carried, unanimously.** Robert Morse Chairman of the Preservation Committee explained that the Board consists of nine members. Its purpose is to provide a source of funding for Open Space Preservation, Historic Preservation and Affordable Housing Funding. The money that is disbursed comes from ½% surcharge on property taxes that residents pay. The estimated amount of money to be raised is from this is $226,628. The amount is matched by the State and is estimated that this amount will be $221,000. He then briefly explained the areas that the money is going to be dispersed to. The Committee is required to put 10% of the appropriation into three accounts. The Committee is asking for $46,000 put into Open Space Account, $26,000 for Historical Preservation, and $46,000 into the Affordable Housing Account. He said that the remaining amount of $280,000 will be put into a budget reserve account. That way if more money would be needed for the FY07 appropriations it would be used from this account prior to the tax rate being set for FY08. Thomas Moran questioned if there was going to be any plans on working on the North Town Hall. Robert Morse said not at the present time. He sited the work that has been previously done on the building regarding the windows and roof. Dean Carmeris questioned the feasibility study amount. Robert Morse explained that the Field house at Varney Park is a bungalow style field house built from granite and brick. The structure was built in 1935 by the WPA and needs to be restored. Ralph Hickey questioned if the Varney Park Field house will be handicap accessible. Yes. This is the purpose of the feasibility study to see what needs must be done. More then likely a public hearing will take place in order to get a feel of what the field house should be used for and what the improvements would be for the entire playground site. Brian Latina and Ralph Hickey both questioned handicap needs at the site. Mary Franz questioned

how much money is available in the Community Preservation Account. The Manager said roughly $1.3 million. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Thomas Moran spoke against the motion. He felt too much money was being spent on the feasibility study. Ralph Hickey moved to amend the article by adding: Both the bath be made and accessible at the beach and at the bath house. Patricia Cantor Town Counsel declared that the motion is out of scope and that it could not be acted on. Ralph Hickey withdrew his motion and asked that he be consulted during the study because he is the ADA Co-coordinator. Robert Morse said he would. Jodie Murphy spoke in favor of the article. This is for the entire Town's use it is jewel and needs to be preserved she asked that the Body support the article. The Moderator asked if there were any questions or need for discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.** The article reads as follows:

Selectman Michael F. McCall moved that the Town vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation budget and to appropriate from the Community Preservation Fund:

> $20,000 (4.46% of the estimated FY2007 revenues) to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2007;

And to appropriate from Community Preservation Fund Historic Preservation Reserve Fund the following:

> $20,000 for an evaluation and feasibility study for the renovation and rehabilitation of Varney Park and Varney Park Field House,

And further, that the Town reserve for future appropriation the following amounts as recommended by the Community Preservation Committee:

> $46,000 (10.27% of the estimated FY2007 revenues) for the acquisition, creation and preservation of open space excluding land for recreational use;
>
> $26,000 (10.27% of the estimated FY2007 revenues when combined with the $20,000 appropriation for Varney Park and the Varney Park Field House) for acquisition and preservation of historic resources; and,
>
> $46,000 (10.27% of the estimated FY2007 revenues) for the creation, preservation and support of community housing;
>
> $280,000 (62.53% of the estimated FY2007 revenues) for the Community Preservation Fund FY2007 Budgeted Reserve.

All other monies in the Community Preservation Fund shall remain undesignated until further recommendations by the Community Preservation Committee and action thereon by the Town Meeting.

UNDER ARTICLE 20. Dwight Hayward moved to waive the reading of this article. The Moderator asked for a vote by way of a showoff hands. **Motion carried, unanimously**.

The Manager explained that this article was not going to be acted on at this time. More work needs to be done it will be presented at another meeting. He asked that the article be withdrawn. The Moderator asked for a show of hands on the motion to withdraw. **Motion carried, unanimously.** The withdrawn article reads as follows:

Selectman Michael F. McCall moved that the Town vote to accept the following mentioned street, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

Lady Slipper Lane

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to see if the Town will vote to raise and appropriate $1 to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to see if the Town will vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto.

UNDER ARTICLE 21. Town Manager Bernard F. Lynch moved that the Town vote to, in accordance with G.L. c. 40, section 4A, authorize the Town Manager to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Aid Agreement to be entered into between the Town and various governmental units.

The Manager explained that this vote is needed by the Body in order to be able to share resources with surrounding towns. This is not like public safety mutual aide which has the backing of State law. This action requires a Town Meeting vote in order to be enacted. The Moderator asked if there were any questions. Hearing none he asked for the Board's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none he asked for a vote by way of a show of hands. The **motion carried, unanimously.**

UNDER ARTICLE 22. The Town Manager said that this article is going to be withdrawn at this time. This is a new area in Massachusetts, other states do use it. There is pending legislation on the state level in regards to this. The Town wants to "wait and see" before going any further. Extensive discussion with the Attorney Generals Office needs to be done. Once this is done the article will be brought back in the near future. Glenn Thoren asked if other communities use it. As far as he knows Lawrence currently uses it. It is more popular in other parts of the country. The Moderator asked if there were any further questions. Hearing none, he asked for a vote by way of a show of hands, **motion carried**. The withdrawn article reads as follows:

Town Manager Bernard F. Lynch moved that the Town vote to amend the General Bylaws by establishing a new section within Chapter 174, Vehicles and Traffic, to be entitled "Automated Red Light and Speed Enforcement," as follows:

§-1 Purpose

In recognition of the fact that speeding and red light violations are a major contributing factor in fatal and serious personal injury motor vehicle accidents, the purpose of this bylaw is to promote the health, welfare and safety of the inhabitants of the Town of Chelmsford by reducing traffic violations related to red lights and excessive speed of vehicular traffic.

§-2 Definitions

"Department" – the Chelmsford Police Department.

"Owner" – Owner of a motor vehicle as shown on the motor vehicle registration records of the Massachusetts Registry of Motor Vehicles or the analogous department or agency of another state or country. The term "owner" shall also include (i) a lessee of a motor vehicle under a lease of six months or more or (ii) the lessee of a motor vehicle rented or leased from a motor vehicle rental or leasing company, but does not include the rental or leasing company itself.

"Photographic traffic monitoring system" ("TMS") – An automated motor vehicle sensor device installed to work in conjunction with a traffic control signal that produces multiple recorded images of a motor vehicle that is in violation of the traffic control system at which the TMS is located.

"Recorded image" – An image recorded by a TMS that depicts the rear of a motor vehicle.

"Traffic control signal" – A traffic control device that has the capacity to display alternating red, amber, and green lights to direct traffic when to stop or proceed through an intersection.

"Violation" – The failure of an operator of a motor vehicle to stop at traffic control signal that is emitting a steady red signal and monitored by a TMS.

§ 3 Enforcement.

(a) Any officer of the Department shall enforce this bylaw.

(b) (1) If, upon the Department's inspection of the recorded images produced by the TMS, it appears that a violation of this bylaw has occurred, the owner of the vehicle as set forth in the motor vehicle records of the Massachusetts Registry of Motor Vehicles or the analogous department or agency shall be sent a notice of intent to issue a citation. The notice of intent shall include the following information:

(i) A copy of at least one recorded image showing the registration number displayed on the license plate of the vehicle; and
(ii) A certificate prepared by the police officer reviewing such recorded image, attesting to the following information:

(A) description of the violation alleged;
(B) the location of the violation;
(C) the date and time of the violation;
(D) the name and address of the owner of the vehicle involved in the violation;
(E) the registration number displayed on the license plate of the vehicle involved in the violation;
(F) that the copy of the recorded image of the vehicle was reviewed by the officer and is an accurate copy of the imaged recorded by the TMS;
(G) a statement that the recorded image is evidence of the violation;
(H) the amount of the fine to be imposed for the violation;
(I) any other information deemed necessary by the Department; and

(iii) A statement that a written request for a hearing to contest the purported violation may be filed with the Police Department within ten business days of receipt of the notice of intent; and

(iv) The list of defenses set forth in Section _-3(b) (5).

(2) For purposes of this bylaw, a notice of intent is presumed to be received by the owner on the fifth day after the date the notice of intent is mailed. If no written request for a hearing is received within 10 business days after the fifth day after the date the notice of intent is mailed, the failure to request a hearing shall be deemed an admission of the violation and a citation shall issue.

(3) If a request for a hearing is timely filed, the Department shall schedule a hearing within five business days of receipt of the request, and shall provide the owner with notice of the time and date thereof; provided, however, that the date of the hearing may be delayed once upon prior agreement of the owner and the Department.

(4) The hearing shall be held before the Chief of Police or his designee, and formal rules of evidence shall not apply. The sworn notice of intent shall be submitted to the Chief of Police or his designee as prima-facie evidence of the violation. If additional recorded images of the violation are available, an officer who has reviewed the recorded images shall submit such images to the Chief of Police or his designee pursuant to an affidavit.

(5) At such hearing, an owner may raise any of the following defenses:

(i) the violation was necessary to allow the passage of an emergency vehicle;
(ii) the violation was necessary in order to protect the property or person of another;
(iii) the violation was incurred while participating in a funeral procession;
(iv) the violation was incurred during a period of time in which the motor vehicle was reported to the police department of any state, city or town as having been stolen and had not been recovered prior to the time the violation occurred;

(v) the license plate depicted in the recorded image of the violation was a stolen plate being displayed on a motor vehicle other than the owner of the vehicle without the consent of the owner;
(vi) the operator of the motor vehicle was operating the motor vehicle under a rental or lease agreement and the owner of the motor vehicle is a rental or leasing company and has complied with the provisions of section 20E of chapter 90 of the General Laws;
(vii) that the vehicle was owned by another at the time of the violation, and that ownership of the vehicle was transferred to the owner of the vehicle as set forth in the motor vehicle records of the Massachusetts Registry of Motor Vehicles or the analogous department or agency of another state or country after the date of the violation;
(viii) the violation was necessary to comply with any other law or regulation governing the operation of a motor vehicle; or
(ix) a person other than the owner was operating the vehicle.

(6) If, at the hearing, the owner demonstrates the applicability of a defense through submission of such evidence as would satisfy a reasonable person (such as sworn testimony, sworn statements, or other documentary evidence of probative value), a finding of no violation shall be made, and no citation shall issue. If the owner does not provide sufficient evidence to demonstrate the applicability of a defense, a finding of a violation shall be made and a citation shall issue.

(7) Failure to appear at the hearing after requesting the same shall constitute an admission of the violation, and a citation shall issue.

§-4 Fines

An owner shall be fined $100.00 for the first or second violation of this bylaw in any calendar year, and $300.00 for a third or subsequent violation of this bylaw in any calendar year.

And further, to authorize the Board of Selectmen to petition the General Court for special legislation entitled, "An Act Relative to Records Created by a Red Light Monitoring System in the Town of Chelmsford;" provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

An Act Relative to Records Created by an Automated Red Light Monitoring System in the Town of Chelmsford:

Section 1: Notwithstanding the provisions of clause 26 of section 7 of chapter 4 or of sections 8 and 10 of chapter 66 of the General Laws, or of any other general or special law to the contrary, no photograph, microphotograph, streaming video, or other recorded image obtained through the use of automated traffic enforcement devices commonly referred to as "automated red light and speed enforcement" or a "photographic traffic monitoring system" deployed as a means of promoting traffic safety in the town of

Chelmsford shall be a public record; provided, however, that such images may be disclosed for purposes of enforcement of a violation of the town's automated red light and speed enforcement bylaw, or to an owner of a motor vehicle defending a violation of said bylaw. Photographs, microphotographs, streaming video, or other recorded images obtained through the use of automated red light and speed enforcement shall be maintained for one year after creation of the recorded image if the image does not relate to a violation of the automated red light and speed enforcement bylaw, for one year after final disposition of a violation if the image relates to a violation of the town's automated red light and speed enforcement bylaw, and for such other period or periods as the Secretary of the Commonwealth shall direct. Notice shall be filed at least annually with the Secretary of the Commonwealth that records have been destroyed in accordance with this section, and as often as the Secretary of the Commonwealth shall direct.

Section 2: Notwithstanding any general or special law to the contrary, the town of Chelmsford may enforce its automated red light and speed enforcement bylaw, as it may be amended from time to time, pursuant to the provisions of chapter 21D of chapter 40 of the General Laws.

Section 3: This act shall take effect upon passage.

UNDER ARTICLE 23. Alex Buck moved that the Town vote to amend the General Bylaws Chapter 35, by adding the following as section 35-5, entitled Department Financial Forecasts:

"In order to ensure the financial stability of the town and to assist the Board of Selectmen and the Town Manager in the preparation of a five year financial forecast as required by section 6-4 of the Charter, each department shall prepare a five year plan of economic resources it will need to operate. This plan shall be updated and modified on an annual basis for submission to Town Meeting, the Finance Committee, and the Board of Selectmen."

Alex Buck proponent of the article explained the article. These types of reports are already being done in most cases by the department heads when they submit their yearly budgets to the Town Manager. However, the Town Meeting Body does not see the information and he feels that this would better prepare them when it comes time to vote on the budget and other items. He talked about to proposed amendments. One would be adding the wording "at the Fall Annual Town Meeting" after Board of Selectmen. Also in regards to the second amendment The Town Manager shall make an oral and visual presentation of the five year financial forecast. The presentation shall include an explanation of the process used to develop the current fiscal year budget and the basis for five year financial projections. He asked that the Body support either the original article or any possible amendments to the article. Selectman Chase questioned if the purpose of the article was to get more information and communication out to the public and Representatives prior to the budget cycles. Alex Buck said yes. Frank Barre questioned if all the information that this is to be based on going to be the same for every department when it comes to population growth etc. Key variability's will used and more then likely there will be different opinions, but this doesn't mean that the report shouldn't be done. Frank Barre questioned if the Representatives would vote on this plan. No, it will be purely informational so the Representatives can make better decisions. Dean Carmeris said he doesn't see any difference to this plan then what is now being done. Alex Buck explained that it will ensure that it is done in

the future. And would want it to be presented to the Body in a more formal approach rather then just mentioned by a couple of lines in the book. Clare Jeannotte how is this different than what the Charter says must be done. It would be required that it would be brought to the Body. The Manager explained that he does provide this information in his budget book but he is not required to do so. This would make it a requirement for the future. He felt it would help the Representatives understand the budget process. Selectman Newcomb questioned the Town Manager on the process he does and where does he get his figures. He said he bases it on trends and sense on what the pattern has been in oppose to requests will be. The Moderator asked if there were further questions. Hearing none he asked for the recommendations. This Finance Committee did not recommend the article. The Board of Selectmen did not recommend the article. Dennis Ready said that over the years there have been two problems, revenue and communication. This would be a tool on helping with the communication and asked for support. Selectman Chase said he is satisfied with what the Town Manager does in preparation of the five year forecast. He feels that this article currently before the Body is micro managing. He presented his motion. To see if the Town will vote to amend General Bylaws Chapter 35 by adding the following as section 35-5 entitled Presentation of Five Year Forecast:
At the first session of the Fall Annual Town Meeting, the Town Manager shall make an oral and visual presentation of the Five Year Financial Forecast that is required to be prepared annually under Section 6-4 of the Town Charter. The Town Manager's presentation shall include an explanation of the process used to develop the current fiscal year budget and the basis for five-year financial projections. Selectman Chase explained that this addresses the issues he felt about micro managing. He feels that it accomplishes what the petitioner had intended. It allows the Manager to continue the process he currently has in place with his department heads. The Moderator asked if there was any debate, hearing none he asked for a vote on the motion to amend by way of a show of hands, **motion carried**. He asked if there was any further debate. Dean Carmeris spoke in favor, felt that the departments priorities and numbers are needed to be presented. Clare Jeannotte spoke against the article. She felt the amendment did improve the article, however, felt that this is legislation on telling people how to do their jobs. It is unnecessary to make it a by-law. Perhaps this should be part of the Charter instead. Glenn Thoren spoke against it. All the information should be available now. He asked why the Finance Committee was not in favor. John Kurland explained that the Board felt it was no different then what is already in the Charter. This year prediction of having a shortfall has not been a surprise. The Town does not have certain opportunities to raise more money unless it is brought to the voters in the form of overrides. Departments shouldn't have to be mandated to do a five year plan. The Town knows what the needs are, that is not the problem. It doesn't know what the revenue is going to be due to State funding problems. Five year plans can't prepare the Town for lack of State funding. Brian Latina said this is a planning tool for the Representatives. The Finance Committee and Selectmen have access to information. It eliminates the "surprise" like the Westland's School closing and like the Town properties being sold off. He asked for support. Robert Joyce asked what the Board of Selectmen recommendations are now that it has been amended. Selectman McCall said that the majority of the Board of Selectmen recommended the article. Kate Torres asked for support felt that it is not legislative it's informational. Mary Franz spoke against the article. She felt that it's the Town Meeting Representatives responsibilities to go to meetings and keep up and follow what's going on. It was predicted last year that this was going to be a "bad year". Bill Martin spoke in favor. He wanted a detailed plan presented each year. Linda Fall supported the article felt that long term planning is needed. Selectman Chase spoke in favor of the article as amended. Selectman Dalton spoke against the article felt that the Board of Selectmen should make it a policy that the

Manager prepares a five year plan. The Moderator asked if there was any more debate. Hearing none he asked for a vote by way of a show of hands this left the Chair in doubt. The Moderator asked that the tellers come forward and conduct a hand count. Dorothy Frawley, Thomas Gilroy, Janet Holmes, John Maleski. The result was: Yes 74 No 55 **the motion carried**. The article reads as follows:

To see if the Town will vote to amend General Bylaws Chapter 35 by adding the following as section 35-5 entitled Presentation of Five Year Forecast:
At the first session of the Fall Annual Town Meeting, the Town Manager shall make an oral and visual presentation of the Fire Year Financial Forecast that is required to be prepared annual under Section 6-4 of the Town Charter. The Town Manager's presentation shall include an explanation of the process used to develop the current fiscal year budget and the basis for five-year financial projections.

UNDER ARTICLE 24. The Moderator said he had no formal motion before him therefore he was going to continue onto article 25. The Manager made a point of order that he had explained at a previous article that this has to do with the Town's health insurance issues particularly as it relates to the retires. This article will come back in the fall after the actual study of benefits is completed and information can be presented. Marian Paresky questioned the withdrawal. She wanted to know why the Board of Selectmen didn't withdraw it. The Moderator explained that there was no formal motion before him. There is nothing before the Body to discuss. He continued onto Article 25.

UNDER ARTICLE 25. Dwight Hayward moved to waive the reading of this article. The Moderator asked for a vote by way of a showoff hands. **Motion carried, unanimously.**

The Manager explained that this is part of an article that was done last fall. After preparing the plan it was found that a number of the easements that had been granted are not necessary and asked that this article be voted so they could be taken off the books.
The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none he asked for a vote by way of a show of hands. The **motion carried, unanimously.** The article reads as follows:

Town Manager Bernard F. Lynch moved that the Town vote to transfer the care, custody and control of the easements held by the Town and described below to the Board of Selectmen for the purpose of releasing and abandoning the temporary and permanent roadway easements and permanent drainage easement and further to authorize the Board of Selectmen, for no monetary consideration, to release and abandon the easements taken by eminent domain from the record owners listed in the Order of Taking recorded with the Middlesex North Registry of Deeds in Book 18988, Page 40 on July 12, 2005 to the current record owners, said easements being described as follows:

The easements labeled "E-1" through "E-6"; "TE-1" through "TE-22" and "D-1" taken by the Town of Chelmsford pursuant to said order of taking described and bounded as shown on a plan entitled "Permanent and Temporary Easement Plan of North Road/ Parkhurst Road/Davis Road and North Road at Dalton Road in the Town of Chelmsford, Middlesex County" , dated January 28, 2005, prepared by Vanasse Hangen Brustlin, Inc.,

Watertown, MA, scale 20' = 1", recorded with the Middlesex North District Registry of Deeds in Plan Book 218, Plan 107,

there being no intent to release or abandon those temporary and permanent roadway easements and permanent drainage easement taken by eminent domain pursuant to the Order of Taking recorded with the Middlesex North Registry of Deeds in Book 19245, Page 105 on September 8, 2005, said easements being described and bounded as shown on a plan recorded with the Middlesex North District Registry of Deeds in Plan Book 219, Plan 34 (sheets 1-6).

UNDER ARTICLE 26. Glenn Doherty moved that the Town vote to amend the General Bylaws, Chapter 51, by deleting Article 1, Section 51-4, Paragraph B:

"Members of the Chelmsford ATEF Committee will include the Superintendent of Schools or his/her designee thereof, six residents of the Town of Chelmsford that will include at least three parents who presently have children in the Chelmsford public schools, a member of the business community, a senior citizen and a member at large".

and replacing it with a new Article 1, Section 51-4, Paragraph B, to read:

"Members of the Chelmsford ATEF Committee will include the Superintendent of Schools or his/her designee thereof, and eight (8) residents of the Town of Chelmsford that will include at least three (3) parents/grandparents/guardians of children presently enrolled in Chelmsford public schools."

The Manager said he was speaking on behalf of the Committee. Wants to enlarge the group of participants and allow more members of the community to serve
The Finance Committee had no recommendation for the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none he asked for a vote by way of a show of hands, the **motion carried.**

UNDER ARTICLE 27. Town Manager Bernard F. Lynch moved that the Town vote to authorize the Board of Selectmen to accept as a gift from Robin Hill Meadows, LLC, a parcel of land off Robin Hill Road, shown as Lot 3, consisting of 42,455 square feet, as shown on a plan entitled "Plan of Land in Chelmsford, MA" dated 12/8/05, prepared by Hancock Associates for Robin Hill Meadows, LLC, said Lot 3 to be held for general municipal purposes and intended to be used to access the proposed Bruce Freeman Rail Trail. The plan is on file in the Community Development Department and the Office of the Town Clerk.

The Manager explained that this is a gift of land from a 40B project that will be used as a parking lot for the Bruce Freeman Bike trail that is in the process of be started. Evelyn Thoren questioned if this is wetland. No it is not. She asked if it could be written on the deed that it would be said to be open space. The Manager said because it would be owned by the Town it would be left as open space. She then asked if it should be zoned P for public use. The Manager explained that this is a separate Town Meeting vote; the Board of Selectmen does not have the authority to do this. Thomas Fall questioned if it would be better to keep it on the tax rolls and collect revenue in taxes. The Manager explained that this is such a small area that it would serve the Town better to use it for parking. Glenn Thoren said he felt that the builder should make sure that the area is clear and flat so it can be used for its intended use. The Finance Committee

recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need for discussion. Hearing none, before taking the vote he reminded the Body that the Fall Town Meeting will be October 16th. He then asked for a vote on the article by way of a show of hands. The **motion carried, unanimously**

Seeing that there was no further business, the Moderator moved to adjourn the Town Meeting. The Moderator asked for a show of hands, **motion carried, unanimously.** The meeting adjourned at 9:20 PM.

_____ _____

Dennis E. McHugh, Moderator Elizabeth L. Delaney, Town Clerk

COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin, Secretary of the Commonwealth

WARRANT FOR STATE PRIMARY

SS. MIDDLESEX

'o either of the Constables of the Town of Chelmsford

GREETING:

n the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said own who are qualified to vote in Primaries to vote at:

Precinct 1	Town Office Building Gym, 50 Billerica Road
Precinct 2	Harrington School Gym, 120 Richardson Road
Precinct 3	Harrington School Gym, 120 Richardson Road
Precinct 4	Westlands School Café, 170 Dalton Road
Precinct 5	Byam School Café, 25 Maple Road
Precinct 6	Westlands School Café, 170 Dalton Road
Precinct 7	McCarthy Middle School Little Gym, 250 North Road
Precinct 8	McCarthy Middle School Little Gym, 250 North Road
Precinct 9	Town Office Building Gym, 50 Billerica Road

)n **TUESDAY, THE NINETEENTH DAY OF SEPTEMBER 2006,** from 7:00 A.M. to 8:00 P.M. for ıe following purpose:

o cast their votes in the State Primary for the candidates of political parties for the following offices:

ENATOR IN CONGRESS	FOR THE COMMONWEALTH
OVERNOR	FOR THE COMMONWEALTH
IEUTENANT GOVERNOR	FOR THE COMMONWEALTH
TTORNEY GENERAL	FOR THE COMMONWEALTH
ECRETARY OF STATE	FOR THE COMMONWEALTH
REASURER	FOR THE COMMONWEALTH
UDITOR	FOR THE COMMONWEALTH
EPRESENTATIVE IN CONGRESS	Fifth Congressional District
OUNCILLOR	Third Councilor District
ENATOR IN GENERAL COURT	3RD Middlesex Senatorial District
EPRESENTATIVE IN GENERAL COURT (Pcts. 3, 5 & 7)	2nd Middlesex District
EPRESENTATIVE IN GENERAL COURT (Pcts. 1 & 9)	14th Middlesex District
EPRESENTATIVE IN GENERAL COURT (Pcts. 2, 6 & 8)	16th Middlesex District
EPRESENTATIVE IN GENERAL COURT (Pct. 4)	17th Middlesex District
ISTRICT ATTORNEY	Northern District
LERK OF COURTS	Middlesex
EGISTER OF DEEDS	Middlesex Northern

ereof fail not and make return of this warrant with your doings thereon at the time and place of said
oting. Given under our hands this 28th day of AUGUST 2006.

Selectmen of Chelmsford

COMMONWEALTH OF MASSACHUSETTS

IDDLESEX, SS.

AUG 30 2006
Date

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of helmsford by posting up attested copies of same at the following places, to wit: Town Office Building ym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, yam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, cCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building bby.

Signed:

William E. Spence

William E. Spence, Constable

True Copy Attest:

William E. Spence

illiam E. Spence, Constable

Town of Chelmsford
Democratic State Primary Election Sept 19, 2006

SENATOR IN CONGRESS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	113	93	106	106	130	179	175	155	121	**1,178**
EDWARD M KENNEDY	428	387	417	309	385	538	457	476	395	**3,792**
SIMON	1	0	0	0	0	0	0	0	0	**1**
ROBINSON	1	0	0	0	0	0	0	0	0	**1**
HOWIE CARR	0	2	1	0	0	5	0	1	0	**9**
CURLEY HOWARD	0	1	0	0	0	0	0	0	0	**1**
DENNIS HAUSAVRY	0	1	0	0	0	0	0	0	0	**1**
DENISE WHITE	0	1	0	0	0	0	0	0	0	**1**
JOHN SILVER	0	1	0	0	0	0	0	0	0	**1**
MITT ROMNEY	0	0	1	1	0	1	0	0	0	**3**
FABIO CANAVARO	0	0	0	0	0	0	1	0	0	**1**
THOMAS RYAN	0	0	0	0	0	0	1	0	0	**1**
JAY SEVARIN	0	0	0	0	0	0	1	0	0	**1**
CARLA HOWELL	0	0	0	0	0	0	1	0	0	**1**
MIKE METHANER	0	0	0	0	0	0	1	0	0	**1**
D. GOLDBERG	0	0	0	0	0	0	0	1	0	**1**
P. ATWOOD	0	0	0	0	0	1	0	0	0	**1**
F. WARREN	0	0	0	0	0	1	0	0	0	**1**
C. CURLEY	0	0	0	0	0	1	0	0	0	**1**
CARRALL	0	0	1	0	0	0	0	0	0	**1**
PIMENTAL	0	0	1	0	0	0	0	0	0	**1**
DEVAL L. PATRICK	0	0	0	0	0	0	0	0	1	**1**
LYNN HAVENER	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	0	11	9	3	6	4	3	11	**47**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

Democratic State Primary Election Sept 19, 2006

GOVERNOR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	1	0	1	1	4	1	1	2	**11**
CHRISTOPHER GABRIELI	175	135	151	124	165	227	218	203	171	**1,569**
DEVAL L PATRICK	238	219	236	165	254	328	299	270	272	**2,281**
THOMAS F REILLY	129	129	151	135	98	173	123	161	84	**1,183**
MIKOS	1	0	0	0	0	0	0	1	0	**2**
FRANCIS BELLOTI	0	1	0	0	0	0	0	0	0	**1**
C. MIHOS	0	0	0	0	0	0	0	0	0	**0**
MISC WRITE-INS	0	1	0	0	0	0	0	0	0	**1**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

LT. GOVERNOR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	39	35	52	39	46	80	77	50	66	**484**
DEBORAH B GOLDBERG	165	166	189	143	163	234	196	249	168	**1,673**
TIMOTHY P MURRAY	193	156	164	154	173	256	199	197	162	**1,654**
ANDREA C SILBERT	146	128	133	88	136	162	169	138	132	**1,232**
PETAGNA	0	0	0	1	0	0	0	0	0	**1**
C. NORRIS	0	0	0	0	0	0	0	1	0	**1**
MISC WRITE-INS	0	1	0	0	0	0	0	1	1	**3**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

ATTORNEY GENERAL	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	117	94	109	81	119	171	163	123	136	**1,113**
MARTHA COAKLEY	426	390	428	342	398	558	475	513	389	**3,919**
THOMAS F. REILLY	0	0	0	0	1	0	0	0	0	**1**
MARK DUPUIS	0	1	0	0	0	0	0	0	0	**1**
A. ELSE	0	0	0	0	0	1	0	0	0	**1**
J. WILSON	0	0	0	0	0	1	0	0	0	**1**
RYAN	0	0	1	0	0	0	0	0	0	**1**

Democratic State Primary Election Sept 19, 2006

ATTORNEY GENERAL	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
JAMES COFFEY	0	0	0	0	0	0	0	0	1	**1**
J. MURPHY	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	1	0	2	0	1	3	0	2	**9**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

SECRETARY OF STATE	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	70	64	77	58	76	120	118	80	103	**766**
WILLIAM F GALVIN	389	365	388	309	369	515	452	480	342	**3,609**
JOHN BONIFAZ	84	57	72	57	73	96	71	74	83	**667**
M. SULLIVAN	0	0	0	1	0	0	0	0	0	**1**
D. WHITE	0	0	0	0	0	0	0	1	0	**1**
C. NORRIS	0	0	0	0	0	0	0	1	0	**1**
MISC WRITE-INS	0	0	1	0	0	1	0	0	1	**3**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

TREASURER	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	142	111	134	110	153	192	196	154	169	**1,361**
TIMOTHY P CAHILL	401	374	401	314	365	537	444	482	357	**3,675**
O'KEEFE	0	0	0	1	0	0	0	0	0	**1**
M. KNUPP	0	0	0	0	0	1	0	0	0	**1**
RYAN	0	0	1	0	0	0	0	0	0	**1**
J. MURPHY	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	1	2	0	0	2	1	0	2	**8**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

Democratic State Primary Election Sept 19, 2006

AUDITOR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	165	118	153	127	169	227	234	180	182	**1,555**
A JOSEPH DeNUCCI	378	366	381	298	349	501	405	455	343	**3,476**
R. BRADLEY POTTS	0	1	0	0	0	0	0	0	0	**1**
D. WHITE	0	0	0	0	0	0	0	1	0	**1**
KAY FAY	0	0	0	0	0	1	0	0	0	**1**
RYAN	0	0	1	0	0	0	0	0	0	**1**
JOHN A. CLARK	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	1	3	0	0	3	2	0	3	**12**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

REP. IN CONGRESS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	139	108	126	113	128	183	196	145	145	**1,283**
MARTIN T MEEHAN	404	374	409	310	387	541	439	487	376	**3,727**
JON KURLUND	0	0	0	0	1	0	0	0	0	**1**
NIKKI TSONGAS	0	0	0	0	2	0	0	0	0	**2**
GEROLD MORAN	0	1	0	0	0	0	0	0	0	**1**
FRANK SARGENT	0	0	0	1	0	0	0	0	0	**1**
ANDREA PERLO	0	0	0	0	0	0	1	0	0	**1**
MIKE METHANY	0	0	0	0	0	0	1	0	0	**1**
MITT ROMNEY	0	0	0	0	0	1	0	0	0	**1**
J. COX	0	0	0	0	0	1	0	0	0	**1**
D. HARRINGTON	0	0	0	0	0	1	0	0	0	**1**
RYAN	0	0	1	0	0	0	0	0	0	**1**
MIKE BARRY	0	0	0	0	0	0	0	0	1	**1**
SALLY CADY	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	3	2	1	0	5	4	4	6	**25**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

Democratic State Primary Election Sept 19, 2006

COUNCILLOR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	214	164	200	161	202	293	286	230	221	**1,971**
M M PETITTO DEVANEY	329	322	335	264	316	439	354	405	301	**3,065**
D. WHITE	0	0	0	0	0	0	0	1	0	**1**
RYAN	0	0	1	0	0	0	0	0	0	**1**
MARY ZISCH	0	0	0	0	0	0	0	0	1	**1**
HEIDI M. ZISCH ESQ.	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	0	2	0	0	0	1	0	5	**8**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

SENATOR IN GENERAL COURT	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	162	124	137	123	149	217	216	173	151	**1,452**
SUSAN C FARGO	378	353	398	300	369	512	419	460	369	**3,558**
SPADE	1	0	0	0	0	0	0	0	0	**1**
SANDRA B. MARTINEZ	1	0	0	0	0	0	1	1	1	**4**
DALTON	1	0	0	0	0	0	0	0	0	**1**
C. TSPAPSARIS	0	1	0	0	0	0	0	0	0	**1**
WILLIAM F. DALTON	0	5	0	0	0	0	0	0	0	**5**
VICKIE E. WEEKS	0	1	0	0	0	0	0	0	0	**1**
JOHN WOOD	0	0	0	0	0	0	1	0	0	**1**
ANGELO TORANTO	0	0	0	0	0	0	1	1	0	**2**
RYAN	0	0	1	0	0	0	0	0	0	**1**
MARIA SHARCHEZ	0	0	0	0	0	0	0	0	1	**1**
LYNN HAVENER	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	2	2	2	0	3	3	1	6	**19**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

Democratic State Primary Election Sept 19, 2006

REP. IN GENERAL COURT 1,9	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	178	0	0	0	0	0	0	0	171	**349**
CORY ATKINS	365	0	0	0	0	0	0	0	351	**716**
LISA CARR	0	0	0	0	0	0	0	0	1	**1**
MIKE HAVENER	0	0	0	0	0	0	0	0	1	**1**
BEN WILLIAMS	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	0	0	0	0	0	0	0	4	**4**
TOTAL	**543**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**529**	**1,072**

REP. IN GENERAL COURT 2,6,8	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	115	0	0	0	180	0	150	0	**445**
THOMAS A GOLDEN, JR	0	369	0	0	0	551	0	485	0	**1,405**
A. SAVILLE	0	0	0	0	0	0	0	1	0	**1**
M. MOVER	0	0	0	0	0	1	0	0	0	**1**
MISC WRITE-INS	0	2	0	0	0	0	0	0	0	**2**
TOTAL	**0**	**486**	**0**	**0**	**0**	**732**	**0**	**636**	**0**	**1,854**

REP. IN GENERAL COURT 3,5,7	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	150	0	170	0	213	0	0	**533**
GEOFFREY D HALL	0	0	384	0	346	0	427	0	0	**1,157**
WILLIAM HOOD	0	0	0	0	1	0	0	0	0	**1**
RORY J. GILL	0	0	0	0	1	0	0	0	0	**1**
RYAN	0	0	1	0	0	0	0	0	0	**1**
RAY	0	0	1	0	0	0	0	0	0	**1**
MISC WRITE-INS	0	0	2	0	0	0	1	0	0	**3**
TOTAL	**0**	**0**	**538**	**0**	**518**	**0**	**641**	**0**	**0**	**1,697**

Democratic State Primary Election Sept 19, 2006

REP. IN GENERAL COURT 4	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	119	0	0	0	0	0	**119**
DAVID M NANGLE	0	0	0	305	0	0	0	0	0	**305**
JOHN BONIFAZ	0	0	0	1	0	0	0	0	0	**1**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**0**	**0**	**0**	**425**	**0**	**0**	**0**	**0**	**0**	**425**

DISTRICT ATTORNEY	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	198	135	195	150	198	260	276	211	207	**1,830**
GERARD T LEONE, JR	345	350	342	275	320	472	364	424	317	**3,209**
D. WHITE	0	0	0	0	0	0	0	1	0	**1**
RYAN	0	0	1	0	0	0	0	0	0	**1**
HEIDI M. ZISCH ESQ	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	1	0	0	0	0	1	0	4	**6**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

CLERK OF COURTS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	140	101	128	88	133	160	184	119	144	**1,197**
BRUCE M DESMOND	133	131	128	133	113	232	155	184	123	**1,332**
MICHAEL A SULLIVAN	270	254	281	204	272	340	300	332	260	**2,513**
C. NORRIS	0	0	0	0	0	0	0	1	0	**1**
JEREMY WILLIAMS	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	0	1	0	0	0	2	0	1	**4**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

Democratic State Primary Election Sept 19, 2006

REGISTER OF DEEDS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	168	116	154	110	161	195	222	176	185	**1,487**
RICHARD P HOWE, JR	375	368	382	314	356	536	417	458	339	**3,545**
WILLIAM HOOD	0	0	0	0	1	0	0	0	0	**1**
ROSALYN TAVANIS	0	1	0	0	0	0	0	0	0	**1**
FOX	0	0	0	1	0	0	0	0	0	**1**
GLEN HOWE	0	0	0	0	0	0	1	0	0	**1**
D. WHITE	0	0	0	0	0	0	0	1	0	**1**
SAMUEL POULTON	0	0	0	0	0	0	0	1	0	**1**
RYAN	0	0	1	0	0	0	0	0	0	**1**
FITZDON	0	0	1	0	0	0	0	0	0	**1**
GEORGE HOWE	0	0	0	0	0	0	0	0	1	**1**
MISC WRITE-INS	0	1	0	0	0	1	1	0	4	**7**
TOTAL	**543**	**486**	**538**	**425**	**518**	**732**	**641**	**636**	**529**	**5,048**

Republican State Primary Election Sept 19, 2006

SENATOR IN CONGRESS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	9	3	3	1	5	6	9	7	3	**46**
KENNETH G CHASE	23	23	19	22	20	22	30	20	18	**197**
KEVIN P SCOTT	34	15	28	16	20	32	19	29	28	**221**
EDWARD M. KENNEDY	1	0	0	0	0	0	0	1	0	**2**
DEVAL L. PATRICK	0	0	0	0	1	0	0	0	0	**1**
PHILLIP ELIOPOULAS	0	0	0	0	1	0	0	0	0	**1**
MISC WRITE-INS	0	0	0	0	0	1	0	0	0	**1**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

GOVERNOR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	5	8	6	8	5	7	6	11	1	**57**
KERRY HEALEY	58	33	43	31	39	51	51	45	48	**399**
THOMAS F. REILLY	3	0	0	0	0	1	0	0	0	**4**
CHRISTOPHER F. GABRIELI	1	0	1	0	2	0	0	0	0	**4**
DEVAL L. PATRICK	0	0	0	0	1	2	1	1	0	**5**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

LT. GOVERNOR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	12	8	11	12	13	17	11	8	4	**96**
REED V HILLMAN	54	33	39	27	34	42	47	49	45	**370**
DEBORAH B. GOLDBERG	1	0	0	0	0	0	0	0	0	**1**
SILVER	0	0	0	0	0	1	0	0	0	**1**
T. MURRAY	0	0	0	0	0	1	0	0	0	**1**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

Republican State Primary Election Sept 19, 2006

ATTORNEY GENERAL	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	13	8	11	11	11	15	13	11	3	**96**
LARRY FRISOLI	53	33	39	28	36	46	45	46	46	**372**
MARTHA COAKLEY	1	0	0	0	0	0	0	0	0	**1**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

SECRETARY OF STATE	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	65	40	48	39	46	56	56	54	46	**450**
WILLIAM FRANCIS GALVIN	1	0	0	0	0	0	0	0	0	**1**
JOHN BONIFAZ	1	0	0	0	0	0	0	0	0	**1**
ADAM HEROUX	0	0	0	0	1	0	0	0	0	**1**
PETER DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	1	2	0	0	5	1	3	3	**15**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

TREASURER	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	67	40	50	39	45	58	56	56	47	**458**
JEB BUSH	0	0	0	0	1	0	0	0	0	**1**
HOWARD CARR	0	0	0	0	1	0	0	0	0	**1**
PETER DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	1	0	0	0	3	1	1	2	**8**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

Republican State Primary Election Sept 19, 2006

AUDITOR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	67	40	49	39	47	57	57	55	48	**459**
MATT DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	1	1	0	0	4	0	2	1	**9**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

REP. IN CONGRESS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	67	39	49	39	46	57	57	55	48	**457**
MICELLI	0	0	0	0	1	0	0	0	0	**1**
GREG DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	2	1	0	0	4	0	2	1	**10**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

COUNCILLOR	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	67	40	49	39	47	57	57	55	48	**459**
MATT DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	1	1	0	0	4	0	2	1	**9**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

SENATOR IN GENERAL COURT	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	21	6	8	8	11	16	15	16	5	**106**
SANDRA B MARTINEZ	46	35	42	31	36	45	43	41	44	**363**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

Republican State Primary Election Sept 19, 2006

REP. IN GENERAL COURT 1,9	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	65	0	0	0	0	0	0	0	48	**113**
CORY ATKINS	2	0	0	0	0	0	0	0	0	**2**
MISC WRITE-INS	0	0	0	0	0	0	0	0	1	**1**
TOTAL	**67**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**49**	**116**

REP. IN GENERAL COURT 2,6,8	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	11	0	0	0	18	0	17	0	**46**
MATTHEW LEWIS PRAHL	0	30	0	0	0	43	0	40	0	**113**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**0**	**41**	**0**	**0**	**0**	**61**	**0**	**57**	**0**	**159**

REP. IN GENERAL COURT 3,5,7	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	48	0	47	0	57	0	0	**152**
GREG DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	0	2	0	0	0	0	0	0	**2**
TOTAL	**0**	**0**	**50**	**0**	**47**	**0**	**58**	**0**	**0**	**155**

REP. IN GENERAL COURT 4	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	Total
BLANKS	0	0	0	39	0	0	0	0	0	**39**
MISC WRITE-INS	0	0	0	0	0	0	0	0	0	**0**
TOTAL	**0**	**0**	**0**	**39**	**0**	**0**	**0**	**0**	**0**	**39**

Republican State Primary Election Sept 19, 2006

DISTRICT ATTORNEY	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	67	39	48	39	47	57	57	54	48	**456**
PETER DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	2	2	0	0	4	0	3	1	**12**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

CLERK OF COURTS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	67	40	48	39	46	56	57	53	48	**454**
ALLAN MARSH	0	0	0	0	1	0	0	0	0	**1**
GREG DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	1	2	0	0	5	0	4	1	**13**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

REGISTER OF DEEDS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	67	40	48	39	47	56	57	54	48	**456**
MATT DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	1	2	0	0	5	0	3	1	**12**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

Republican State Primary Election Sept 19, 2006

DISTRICT ATTORNEY	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	67	39	48	39	47	57	57	54	48	**456**
PETER DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	2	2	0	0	4	0	3	1	**12**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

CLERK OF COURTS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	67	40	48	39	46	56	57	53	48	**454**
ALLAN MARSH	0	0	0	0	1	0	0	0	0	**1**
GREG DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	1	2	0	0	5	0	4	1	**13**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

REGISTER OF DEEDS	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	**Total**
BLANKS	67	40	48	39	47	56	57	54	48	**456**
MATT DELCHINOS	0	0	0	0	0	0	1	0	0	**1**
MISC WRITE-INS	0	1	2	0	0	5	0	3	1	**12**
TOTAL	**67**	**41**	**50**	**39**	**47**	**61**	**58**	**57**	**49**	**469**

Town of Chelmsford

WARRANT FOR THE FALL 2006 ANNUAL TOWN MEETING OCTOBER 16, 2006

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Monday, the sixteenth of October in the year two-thousand and six, at 7:30 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 2. To see if the Town will vote to appropriate from Free Cash a certain sum of money to the Stabilization Fund; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
Acting Town Manager

ARTICLE 3. To see if the Town will vote to appropriate from available funds a certain sum of money to the School Department, said funding coming from Medicaid reimbursements; or act in relation thereto.

SUBMITTED BY: **Acting Town Manager**

ARTICLE 4. To see if the Town will vote to transfer a certain sum of money from Special Revenue to the School Department, said funding coming from E-Rate reimbursements; or act in relation thereto.

SUBMITTED BY: **Acting Town Manager**

ARTICLE 5. To see if the Town will vote to amend the Fiscal Year 2007 operating budget under Article 7 of the Annual Town Meeting held on April 24, 2006, as follows:

Increase Line Item #7 (Public Works Personnel) by $40,000
Decrease Line Item #8 (Public Works Expenses) by $40,000
Increase Line Item #3 (Chelmsford School Department) by $109,352

and that the Town raise and appropriate or transfer from available funds a certain sum to defray Town charges for the fiscal period July 1, 2006 to June 30, 2007; or act in relation thereto.

SUBMITTED BY: **Acting Town Manager**

ARTICLE 6. To see if the Town will vote to accept Massachusetts General Laws, Chapter 32B, section 18, that requires that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town; or act in relation thereto.

SUBMITTED BY: **Acting Town Manager**

ARTICLE 7. To see if the Town will vote to appropriate from available funds a certain sum of money to establish a post-employment Benefit Stabilization Fund to assist the Town in the financing of future benefits costs for former employees; or act in relation thereto.

SUBMITTED BY: **Acting Town Manager**

ARTICLE 8. To see if the Town will vote to appropriate from available funds a certain sum of money from the Community Preservation Fund Community Historic Preservation Reserve and from the Community Preservation Fund General Fund for use by the Chelmsford Cemetery Commission for the purpose of historic preservation activities at Heart Pond, Riverside and West Chelmsford Cemeteries; or act in relation thereto.

SUBMITTED BY: **Community Preservation Committee**

ARTICLE 9. To see if the Town will vote to appropriate from available funds a certain sum of money from the Community Preservation Fund Open Space Preservation Reserve and from the Community Preservation Fund General Fund for the purpose of open space preservation activities at the Cranberry Bog Reservation; or act in relation thereto.

SUBMITTED BY: **Community Preservation Committee**

ARTICLE 10. To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund Community Housing Reserve, and from the Community

Preservation Fund General Fund for use by the Chelmsford Housing Authority for the creation of community housing; or act in relation thereto.

SUBMITTED BY: **Community Preservation Committee**

ARTICLE 11. To see if the Town will vote to amend its acceptance of the Community Preservation Act, as voted under Article 1 of the Special Town Meeting of February 26, 2001, and approved to the voters at the 2001 Annual Town Election by increasing the Community Preservation Act surcharge on real property as a percentage of the annual real estate tax levy against real property and to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act with such amendment to take effect for Fiscal Year 2008; or act in relation thereto.

SUBMITTED BY: **Community Preservation Committee**

ARTICLE 12. To see if the Town will vote to authorize the establishment of a revolving fund under Massachusetts General Law C.44, Section 53E ½ for the Department of Public Works for Fiscal Year 2007. The receipts to be creditied to the fund shall be from the collection of fees and incidental expenses from the full-time inspector assigned to each trench opening or excavation site as assigned to the Highway Superintendent. The Publie Works Department shall be authorized to spend money from the fund for the purpose of paying the expenses relative to inspections necessary for implementing the full-time trench opening or excavation inspection program. Expenditures from the trench opening or excavation inspection program shall be limited to $25,000 during Fiscal Year 2007, or act in relation thereto.

SUBMITTED BY: **Acting Town Manager**

ARTICLE 13. To see if the Town will vote to authorize the establishment of a revolving fund under Massachusetts General Law C.44, Section 53E ½ for the Town Clerk for Fiscal Year 2007. The receipts to be creditied to the fund shall be from the collection of fees from rabies clinic, pound and adoption fees. The Town Clerk shall be authorized to spend money from the fund for the purpose of providing improvements associated with the dog pound and programs and expenses associated with the licensing of animals during Fiscal Year 2007. Expenditures from the program shall be limited to $25,000 during Fiscal Year 2007, or act in relation thereto.

SUBMITTED BY: **Acting Town Manager**

ARTICLE 14. To see if the Town will vote to amend the General Bylaws, Chapter 11, Animals, Article 1, Dogs, to include: replacing all references to "Dog Officer" with "Animal Control Officer;" requiring dog owners to pick up dog waste and to prohibit their dogs from running at large and barking excessively; and by amending the penalties for failure to comply with the Bylaw, all as set forth in Appendix 1 to the Warrant (text to be inserted is **bolded** and text to be deleted is shown by ~~strikethrough~~), or act in relation thereto.

SUBMITTED BY: **Acting Town Manager**

ARTICLE 15. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined an easement over a portion of a certain parcel of land on Shore Drive and identified by a plan on file in the Department of Public Works Engineering Division entitled "Access Easement Plan in Chelmsford, MA" dated May 18, 2006 as prepared by P.M. Flaherty Associates, Inc., and shown as a portion of Lot 86-1 on Assessor's Map 19, containing 1,813 square feet more or less; or act in relation thereto.

SUBMITTED BY: **Acting Town Manager**

ARTICLE 16. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, properties located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans on file in the Office of the Community Development Director and incorporated herein by reference, for the purpose of locating manholes, transformers, switching gear, hand holes, and other equipment necessary for the depression of utilities in the Chelmsford Center area, as approved by Article 11 of the October 19, 1998 Town Meeting, Article 10 of the October 21, 2002 Annual Town Meeting, Article 11 of the October 21, 2002 Annual Town Meeting, and to appropriate a sum of money to defray the costs; or act in relation thereto.

SUBMITTED BY: **Acting Town Manager**

ARTICLE 17. To see if the Town will vote to accept, for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of G.L. c.39, §23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
Acting Town Manager

ARTICLE 18. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article XX Terminology, Section 195-108 Word Usage and Definitions, by amending the definition of Lot Area by deleting the words: "When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet. See accompanying diagram below." and the accompanying diagram, and inserting in place thereof the following: "In the RA and RB Single Residence Districts a lot shall contain a circle with a minimum diameter of 125 feet, which circle shall fit wholly within the boundaries of the lot but may touch the boundaries of the lot, shall contain no wetlands, and within which shall be accommodated not less than 80% of the principal structure."; or act in relation thereto.

SUBMITTED BY: **Planning Board**

ARTICLE 19. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article V Off-Street Parking & Loading, Section 195-17 Minimum parking requirements, by deleting the term "net leasable floor area" where it appears and inserting in its place the term "net floor area"; or act in relation thereto.

SUBMITTED BY: **Planning Board**

ARTICLE 20. To see if the Town will vote to amend Chapter 195-3 Official Zoning Map, of the Chelmsford Zoning Bylaw by changing the zoning of 11 Billerica Road from RC, General Residence to CV Center Village, no manufacturing.

SUBMITTED BY: **Citizen Petition**

ARTICLE 21. To see if the Town will vote to amend Section 195-3 of the Chelmsford Zoning Bylaw by rezoning from RB Zone to a CD Zone, the land known as 1 Academy Street/6 North Road, shown on Assessors Map 73 as Parcel 315-10, containing 27,428 square feet of land, more or less; situated on the northerly side of Academy Street, and being shown on a plan of land recorded with the Middlesex North District Registry of Deeds at Book of Plans 127, page 173; or act in relation thereto.

SUBMITTED BY: **Citizen Petition**

ARTICLE 22. To see if the Town will vote to transfer to the Board of Selectman for the purpose of conveyance and to authorize the Board of Selectman to convey to the current taxpayer and deed holder of record, in accordance with Massachusetts General Laws Chapter 20B, for consideration of $1.00, all right title and interest if any held by the town in all certain parcels of land located and identified on Russell road, as shown in Lots A, B, C, D, and E on a plan entitled "Approval Not Required Under Subdivision Control Law" as surveyed by Richard L. Monahan-Registered Land Surveyor and recorded in the Middlesex North Registry of Deeds in Book 112, Page 9 and further described as:

- **Lot A** on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as Lot 1 on Assessor's Map 12, Block 38 containing 2,100 square feet, more or less;
- **Lot B** on a plan recorded in the Middlesex North Registry of Deeds in Book 1435, Page 72; and further identified as Lot 2 on Assessor's Map 12, Block 38 containing 506 square feet, more or less;
- **Lot C** on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; identified as 8109 square feet, inclusive of a strip of land on the southwesterly side of said Russell Road, directly across said Road from above described parcel and lying between said parcel and Freeman Lake containing 375 square feet, more or less. Said lot is further identified as Lot 8 on Assessor's Map 12, Block 29 containing 8109 square feet, more of less.

- **Lot D** on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as Lot 3 on Assessor's Map 12, Block 38 containing 940 square feet, more or less;
- **Lot E** on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as 5 on Assessor's Map 12, Block 38 containing 1,080 square feet, more or less;

SUBMITTED BY: **Citizen Petition**

ARTICLE 23. To see if the Town will vote to appoint a Committee of five persons, including at least three persons who reside within the bounds of the North Chelmsford Water District, by no later than October 31, 2006, to study the threat to the water supply of the North Chelmsford Water District ("District") posed by the DPW operations at its yard located on Richardson Road abutting the District's well as described in a Report and Recommendations dated June 26, 2006, and prepared for the District by Peter Shanahan, Ph.D, P.E., of HydroAnalyis, Inc., Acton Massachusetts, (a copy of which is attached hereto), and to report its findings and make recommendations to the Selectmen for further action by no later than November 30, 2006, if appropriate, or to take any other action relative thereto.

SUBMITTED BY: **Citizen Petition**

ARTICLE 24. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation amending the Town Charter as it relates to the Town Meeting Composition and the Establishment of Districts by changing the formula for adding and subtracting precincts and Town Meeting members as set forth below:

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHELMSFORD RELATIVE TO TOWN MEETING COMPOSITION AND DISTRICTS.

SECTION 1. The charter of the Town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out Section 2-1 and inserting in place thereof the following section:

> **Section 2-1. Town Meeting Composition**. "The legislative body of the town shall be a representative Town Meeting who shall be elected to meet, deliberate, act and vote in the exercise of the corporate powers of the town. Its membership shall in each precinct consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportion which the number of inhabitants therein bears to the total number of inhabitants in the town, and which will cause the total elected membership not to exceed one hundred eighty, but which will not exceed eighteen representatives per precinct. Members shall be elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year."

SECTION 2: Section 2 of said charter is hereby further amended by striking out from Section 2-2 the following: "(a) at least once in every ten years," and by inserting in place thereof: "(a) at least once every ten years, to coincide with the publication of new state decennial census statistics,"

SECTION 3: Section 2 of said charter is hereby further amended by inserting at the conclusion of Section 2-2 the following: "The number of voting precincts shall be determined such that each precinct shall average not less than two thousand five hundred residents, and not more than four thousand residents."

SECTION 4: Section 2 of said charter is hereby further amended by striking out from Section 2-12 (b) the following: "Eighty-two" and inserting in place thereof: "A majority of",

SECTION 5. This act shall take effect upon passage.

Provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 25. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation amending the Town Charter as it relates to the Town Meeting Vacancies by requiring attendance by Town Meeting Representatives at more than half of all sessions and eliminating the appeals process as set forth below:

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHELMSFORD RELATIVE TO TOWN MEETING VACANCIES AND ATTENDENCE.

SECTION 1. The charter of the Town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out from Section 2-5 (c) the following:

> "Any town meeting member who shall fail to attend more than one-half of the sessions of the town meeting held in a calendar year, may appeal the declaration of vacancy by requesting a hearing on removal. A request for hearing shall be in writing and shall be filed with the Town Clerk on or before January 15th of the following calendar year. A hearing shall be held before a committee consisting of the Town Clerk, Town Moderator and Town Counsel to be held no later than January 25th of said year. Upon the showing of good cause by the member, the committee may excuse one or more absences and may rescind the Declaration of Vacancy provided the Town meeting member has attended at least one-half of the unexcused sessions of the Town Meeting during said calendar year."

SECTION 2: Section 2 of said charter is hereby further amended by inserting at the end of Section 2-5(c), the following new sentence: "For purposes of this section, each day of Town Meeting shall constitute a 'session'."

SECTION 3. This act shall take effect upon passage.

Provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 26. To see if the Town will vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Part II, relative to the Legislative Branch and Representative Town Meeting, specifically in Sections 2-12(a) and 2-12(c), as follows:

- To amend the Town Charter, Section 2-12(a) relative to Town Meeting Procedures and Time of Meeting by striking in Section 2-12(a) the following phrases: "in April" and "in October".

- To amend the Town Charter, Section 2-12(c) relative to Town Meeting Procedures and the Duty of Town Meeting Members by striking in Section 2-12(c) the following phrase: "It is expected that"

Or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 27. To see if the Town will vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Part III, relative to the Elected Town Offices and the Appointment Powers of the Board of Selectmen, Section 3-2(c) by inserting the underlined text and deleting the strike-through text, as follows

> "The Board of Selectmen shall appoint a Town Manager, ~~a~~ Town Counsel, ~~a~~ Town Accountant, Personnel Board, public celebrations committee and a Board of Registrars of voters (but not including the Town Clerk). The Board of Selectmen shall also appoint all ~~such other~~ multiple member policy advisory committees and may appoint ad hoc committees ~~bodies as may be~~ not specifically provided by bylaw."

Or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 28. To see if the Town will vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Part III, relative to the Elected Town Offices and the Investigative

Powers of the Board of Selectmen, Section 3-2, by inserting a new section 3-2(e) to read as follows: **"(e) Investigative Powers**. The Board of Selectmen shall have the authority to initiate investigations of town boards, committees, and personnel as deemed necessary." Or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 29. To see if the Town will vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 3-3(b) relative to Elected Town Offices and the Powers of the School Committee by inserting the underlined text and deleting the strike-through text, as follows:

> **"(b) Powers and Duties**. The school committee shall have general charge and superintendence of the public schools of the town. The powers of the school committee shall include, but need not be limited to: appoint a superintendent of schools, and all other ~~officers and employees~~ personnel associated with the school as defined by the Education Reform Act of 1993 and/or stated in the Massachusetts General Laws, fix their compensation, and negotiate all union contracts, define their duties and discharge them; make all reasonable rules, ~~and~~ regulations and policies consistent with law, for the administration and management of the public schools of the town. The school committee shall have all the powers and duties given to school committees by the laws of the commonwealth, the charter, bylaw or other town meeting vote."

So that Section 3-3(b) shall provide as follows:

> "**(b) Powers and Duties**. The school committee shall have general charge and superintendence of the public schools of the town. The powers of the school committee shall include, but need not be limited to: appoint a superintendent of schools, and all other personnel associated with the school as defined by the Education Reform Act of 1993 and/or stated in the Massachusetts General Laws, fix their compensation and negotiate all union contracts, define their duties and discharge them; make all reasonable rules, regulations and policies consistent with law, for the administration and management of the public schools of the town. The school committee shall have all the powers and duties given to school committees by the laws of the commonwealth, the charter, bylaw or other town meeting vote."

Or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 30. To see if the Town will vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 3-6(a) relative to the Elected Town Offices and Board of Health, by inserting the underlined text and deleting the strike-through text as follows: "There shall be a board of health composed of ~~three~~ five members elected for terms of three years each, so arranged that the term of ~~one member expires~~ as nearly an equal number or members as is possible expire each year."

So that Section 3-6(a) will provide as follows:

"There shall be a board of health composed of five members elected for terms of three years each, so arranged that the term of as nearly an equal number of members as is possible expires each year."

Or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 31. To see if the Town will vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 3-8 relative to the Elected Town Offices and Board of Cemetery Commission, by inserting the following underlined text and deleting the strike-through text as follows: "There shall be a cemetery commission composed of ~~three~~ five members elected for terms of three years each, so arranged that the term of as nearly an equal number of members as is possible expire ~~one member expires~~ each year."

So that Section 3-8 will provide:

"There shall be a Cemetery Commission composed of five members elected for terms of three years each, so arranged that the term of as nearly an equal number of members as is possible each year."

Or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 32. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation amending the Town Charter in relation to the Town Manager Appointments by changing the terms requirements for appointing the Town Manager as set forth below:

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHELMSFORD RELATIVE TO TOWN MANAGER APPOINTMENTS AND TERMS OF OFFICE.

SECTION 1. The charter of the Town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out in the first sentence or Section 4-1 the following: "an indefinite term" and inserting in place thereof: "a definite term of not more than five years".

SECTION 2: Section one of this act shall apply to an incumbent town manager appointed in accordance with section 4-1 of the town charter upon the expiration of three years from the effective date of this act."

SECTION 3. This act shall take effect upon passage.

Provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 33. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation amending the Town Charter in relation to the Town Manager appointment process by changing the screening committee requirements for the Town Manager as set forth below:

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHELMSFORD RELATIVE TO TOWN MANAGER APPOINTMENTS AND SCREENING COMMITTEE.

SECTION 1. The charter of the Town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by inserting the following underlined text and deleting the strike-through text in the last sentence of section 4-1 as follows: "The Board of Selectmen ~~shall~~ may appoint a screening committee to assist in the recruitment and selection of the town manager."

SECTION 2. This act shall take effect upon passage.

Provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 34. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation amending the Town Charter in relation to the Town Manager Appointments by changing the reappointment requirements for the Town Manager as set forth below:

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHELMSFORD RELATIVE TO TOWN MANAGER REAPPOINTMENT.

SECTION 1. The charter of the Town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by inserting at the conclusion of Section 4-1 the following new sentence: "The Board of Selectmen may reappoint the incumbent Town Manager for subsequent terms by a vote of a simple majority vote of the Board."

SECTION 2. This act shall take effect upon passage.

Provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 35. To see if the Town will vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 4-2 relative to the Town Manager appointment process by inserting the underlined text and deleting the strike-through text as follows:

> "Appointments made by the town manager shall become effective upon the approval of the board of selectmen, provided, however, that such approval is received within ~~fifteen~~ thirty days of filing such notice of appointment. If the board of selectmen shall fail to act, appointments made by the town manager shall become effective on the ~~fifteenth~~ thirtieth day following the day on which notice of the proposed appointment is filed with the board of selectmen. For the purpose of this section, notice of appointment shall be considered filed with the board of selectmen when such notice is filed at an open meeting of the board of selecmen."

And by inserting at the conclusion of Section 4-2 the following new sentence:

> "The Town Manager shall also appoint all multiple member administrative advisory committees and may appoint ad hoc committees."

Or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 36. To see if the Town will vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 4-3(h) relative to the Town Manager responsibility with regard to town facilities by deleting the strike-through text as follows: "(h) to be responsible for the rental, ~~use,~~ maintenance and repair of all town facilities ~~except those under the jurisdiction of the school committee~~." Or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 37. To see if the Town will vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 4-5 relative to the Town Manager and vacancy in office by inserting the following underlined text and deleting the strike-through text as follows: "The appointment of the acting town manager shall be for a term not to exceed ~~three~~ six months,

provided however, a renewal, not to exceed an additional ~~three~~ six months may be provided." Or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 38. To see if the Town will vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 4-6 relative to the Town Manager and temporary absences by inserting the underlined text as follows:

> "The Town Manager shall provide annually to the Board of Selectmen a list of qualified officers of the town for their approval and may designate by letter filed with the Board of Selectmen and Town Clerk a qualified officer of the town from the list to perform the duties of the Town Manager during a temporary absence or disability. If such temporary absence or disability shall exceed fourteen days, any designation made by the Town Manager shall be subject to the approval of the Board of Selectmen. In the event of failure of the town manager to make such designation or if the person so designated is for any reason unable to serve, or is deemed not qualified by the Board of Selectmen, the Board of Selectmen may designate some other qualified person from the list to perform the duties of the Town Manager until the Town Manager shall return."

Or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 39. To see if the Town will vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 8-5 relative to transitional provisions by striking all subsections of Section 8-5, other than subsection (l), which shall be redesignated as subsection (d), and by inserting the following:

> "(a) At the annual town election, the year following the year in which the amendment to Section 3-6 approved under Article 30 of the October 16, 2006 Fall Annual Town Meeting becomes effective, the Board of Health shall be increased from three members to five members. Of the two new members elected, one shall be elected for a term of three years, and one shall be elected for a term of two years. Thereafter, candidates shall be elected to three year terms.
>
> (b) At the annual town election the year following the year in which the amendment to Section 3-8 approved under Article 31 of the October 16, 2006 Fall Annual Town Meeting becomes effective, the Cemetery Commission shall be increased from three members to five members. Of the two new members elected, one shall be elected for a term of two years, and one shall be elected for a term of one year. Thereafter, candidates shall be elected to three year terms.
>
> (c) After the amendment to Section 3-2(c) approved under Article 27 of the 2006 Fall Annual Town Meeting regarding appointment of the Personnel Board by the Board of

Selectmen becomes effective, unless otherwise provided by bylaw, the personnel board shall continue to be composed of the same number of members as currently constituted provided, however, the appointments made by the town manager shall, upon the expiration of the term of office of such members, or if a vacancy shall sooner occur, be made by the Board of Selectmen."

Or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 18th day of September, 2006.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Michael F. McCall, Chairman

Sam Chase, Vice Chairman

William F. Dalton, Clerk

Philip M. Eliopoulos

Thomas A. Newcomb

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of October 16, 2006:

Thursday, October 19, 2006 at 7:30 p.m.

Monday, October 23, 2006 at 7:30 p.m.

Thursday, October 27, 2006 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10

Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. Oct 3, 2006

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence,
Constable

A True Copy Attest, William E. Spence

William E. Spence,
Constable

APPENDIX 1

BYLAW REVISIONS INCLUDED IN WARRANT ARTICLE #14
2006 Fall Annual Town Meeting

ARTICLE 14. To see if the Town will vote to amend the General Bylaws, Chapter 11, Animals, Article 1, Dogs, to include: replacing all references to "Dog Officer" with "Animal Control Officer;" requiring dog owners to pick up dog waste and to prohibit their dogs from running at large and barking excessively; and by amending the penalties for failure to comply with the Bylaw, all as set forth in Appendix 1 to the Warrant (text to be inserted is **bolded** and text to be deleted is shown by ~~strikethrough~~), or act in relation thereto.

SUBMITTED BY: **Acting Town Manager**

Chapter 11: ANIMALS

[HISTORY: Adopted by the Town Meeting of the Town of Chelmsford as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Dogs [Adopted 5-5-1986 ATM by Art. 17]

§ 11-1. References to Massachusetts General Laws.

Any reference to a section number in this article shall mean Chapter 140 of the Massachusetts General Laws, unless otherwise stated.

§ 11-2. Definitions.

A. Unless otherwise set out in this article, any term defined in § 136A shall have the same meaning in this article and shall be expressly incorporated herein.

B. As used in this article, the following terms shall have the meanings indicated:

AT LARGE — Off the premises of the owner and not under the control of the owner or authorized escort either by leash, cord, chain or otherwise.

LICENSE PERIOD — From January 1 of each year to December 31 of the same year.

OWNER — Any person or persons, firm, association or corporation owning, keeping or harboring a dog owned or kept in the Town.

§ 11-3. Registration and license. [Amended 11-30-1987 STM by Art. 13]

A. A person who at the commencement of a license period is, or who during any license period becomes, the owner or keeper of a dog six months old or over which is not duly licensed, and the owner or keeper of a dog when it becomes six months old during a license period, shall cause it to be registered, numbered, described and licensed until the end of such license period, and the owner or keeper of a dog so registered, numbered, described and licensed during any license period, in order to own or keep such dog after the beginning of the succeeding license period, shall, before the beginning thereof, cause it to be registered, numbered, described and licensed for such period. The registering, numbering, describing and licensing of a dog shall be done in the office of the Town Clerk on a form prescribed and supplied by the Town Clerk and shall be subject to the condition expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock or fowls.

(1) The Town Clerk shall not grant such license for any dog unless the owner thereof provides the Town Clerk with either a veterinarian's certification that such dog has been vaccinated in accordance with the provisions of § 145B or has been certified exempt from such provision as outlined in § 137 or 137A or a notarized letter from a veterinarian that a certificate was issued or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

(2) The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material to which shall be securely attached a tag in a form prescribed by and issued by the Town Clerk when a license is issued. Such tag shall state the following: Town of Chelmsford, year of issue and tag number. If any such tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the Town Clerk at a cost of $1. This subsection shall not apply where it is otherwise provided by law, nor shall it apply to a person having a kennel license.

B. The provisions of §§ 138 and 138A shall be expressly incorporated under this article.

C. A license duly recorded shall be valid throughout the commonwealth, except that, in the case of the permanent moving of a dog into the Town, the owner or keeper thereof shall, within 30 days after such moving, present the original license and tag of such dog to the Town Clerk, and said Town Clerk shall take up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon payment of $1. The provisions of this article relative to the form and furnishing of licenses and tags shall apply to licenses and tags issued under this subsection.

§ 11-4. Kennel license.

A. Any person ~~maintaining~~ **holding** a kennel license ~~shall have a kennel license~~ **shall maintain the kennel in a sanitary and humane manner.**

B. Any person who meets any requirement of the Town of Chelmsford bylaws and § 137A may obtain a kennel license from the Town Clerk on a form prescribed and supplied by the Town Clerk and for a fee as set out in § 11-5 of this article. The Town Clerk shall, upon application, issue without charge a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse for the relief of suffering among animals.

C. The provisions of § 137B shall be expressly incorporated under this article.

D. The Chief of Police or ~~Dog Officer~~ **Animal Control Officer** may at any time inspect or cause to be inspected any kennel and, if in his or her judgment the same is not being maintained in a sanitary and humane manner or if records are not properly kept as required by law, shall file with the Selectmen a petition setting forth the facts, and the Selectmen shall, upon this petition or upon a petition of 25 citizens setting forth that they are aggrieved or annoyed to an unreasonable extent by one or more dogs at a kennel maintained in Town, because of excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance, within seven days after the filing of such petition, give notice to all parties in interest of a public hearing to be held within 14 days after the date of such notice. Within seven days after such public hearing said Selectmen shall make an order either revoking or suspending such kennel license or otherwise regulating said kennel or dismissing said petition. Within 10 days after such order the holder of such license may bring a petition in the District Court as outlined in § 137C. Any person maintaining a kennel after the license therefore has been so revoked or while such license is so suspended shall be punished as set forth in § 11-18 of this chapter. The Selectmen may, in the case of any suspension, reinstate such license.

E. The provisions of § 137D shall be expressly incorporated under this chapter.

F. All kennels shall be limited to a total of 25 dogs to be maintained on said premises. It shall be a violation of this article to have any dogs on said premises over and above said number. [Added 11-30-1987 STM by Art. 13]

§ 11-5. License fees. [Amended 12-8-1986 STM by Art. 1; 11-30-1987 STM by Art. 13; 6-4-1990 ATM by Art. 12; 10-1-1990 ATM by Art. 11; 10-28-1991 ATM by Art. 19; 4-29-2002 by Art. 12]

A. The fee for every dog license shall be $15 for every neutered male dog, $15 for every spayed female dog and $15 for every male and female dog.

B. Determination of licensing eligibility, dogs not required to be licensed or refunding license fees shall be determined as set out in § 139.

C. The fee for every kennel license shall be as follows:

(1) For every kennel license for four dogs or fewer: $50.

(2) For every kennel license for over four dogs but not over 10 dogs: $100.

(3) For every kennel license for over 10 dogs but not over 25 dogs: $200.

D. All fees shall be increased by $5 on the first day of the second month following the required licensing period, as outlined in § 11-3A of this article, and by an additional $5 on the first day of each succeeding month up to June 30 each year.

E. In addition to all other sums due and owing for any license fee hereunder, a person who applies for a license hereunder shall be obligated to pay all prior amounts of license fees determined to be due and owing by the Town Clerk pursuant to this article for past periods in which said person was obligated to obtain license. It shall be a violation of this article to fail to pay any said sum due hereunder. This remedy shall be cumulative.

§ 11-6. ~~Dog Officer.~~ **Animal Control Officer**

A. The Town Manager shall annually appoint a ~~Dog Officer and as many Assistant Dog Officers~~ **Animal Control Officer and as many Assistant Animal Control Officers** as the Town Manager determines necessary to enforce this article, and said individual(s) shall enforce this article and perform such other duties as the Town Manager may determine. The Town Manager shall determine hours and conditions of work for the ~~Dog Officer(s).~~ **Animal Control Officer (s).** Compensation for persons appointed under this article shall be consistent with other bylaws dealing with salaries of appointed officials. [Amended 10-15-1990 ATM by Art. 18]

B. The provisions of §§ 151 and 151A regarding killing and/or transfer of any dogs shall apply and are expressly incorporated in this article. ~~No Dog Officer~~ **Animal Control Officer**~~-~~ shall be a licensed animal dealer registered with the United States Department of Agriculture, and no ~~Dog Officer~~, **Animal Control Officer,** either privately or in the course of carrying out his or her official assignments as an agent for this Town, or any other agent of the Town shall give, sell or turn over any animal which may come into his or her custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. Whoever violates the provisions of this subsection shall be punished as provided in § 151.

§ 11-7. ~~Running at large; nuisances~~. **Nuisances; Every owner or keeper of a dog shall exercise proper care and control of their dog so as to prevent said dog from becoming a public nuisance.**

1 Running at Large

A No owner or keeper of any dog shall permit such dog to run at large at any time. The provisions of this section shall not be intended to apply to dogs participating in any dog show, nor to Seeing Eye dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under control of and aiding the deaf, nor to any dogs being trained or actually being used for hunting purposes.

2 Barking

Dog owners or caretakers shall not allow excessive barking of animals. Excessive barking is defined for the purposes of this section as barking for over 30 minutes.

Dog Waste Removal

3 **A person owning or having the care, custody, or control of any dog shall not permit such dog to soil or defile or commit any nuisance upon any sidewalk, street, thoroughfare, beach, bike path, park/common or wetland, in or upon any public property or in or upon the property of persons other than the owner or person having the care, custody, or control of such dog, unless said person picks up any such waste and disposes of same in a sanitary manner.** ~~Every owner or keeper of a dog shall exercise proper care and control of their dog so as to prevent said dog from becoming a public nuisance. It shall be deemed a public nuisance if any dog should trespass upon public or private property and deposit feces thereon, unless said feces are immediately removed by the owner or keeper of said dog.~~

4 **Nothing contained in the foregoing subsection shall prevent the Board of Selectmen from passing any orders authorized by Massachusetts General Laws or by G.L c 140, § 167 at such times as the Board shall deem it necessary to safeguard the public.**

~~B~~

~~C~~. **Former wording has been moved within this section or eliminated**

§ 11-8. Impoundment. [Amended 10-21-1999 ATM by Art. 35]

The ~~Dog Officer~~ **Animal Control Officer** shall seek out, catch and confine any dog within the Town that has not been licensed with 60 days of the time the dog is required to be licensed under this article and shall seek out, catch and confine any dogs within the Town that are found on public property, or on private property where said dog is trespassing and the owner or person in control of such property wants the dog removed, said dogs being in violation of this requirement of this article, and shall seek out, catch and confine any dog within the Town when said dog was cited for a violation of any provision of this article and the owner or keeper has failed within 21 days to avail himself or herself of § 11-16 or 11-17 of this article or, within 21 days of a determination by the court under the provision of Chapter 1, General Provisions, § 1-2 of the Code of the Town of Chelmsford that any sums are due, has failed to pay said sums.

§ 11-9. Disposition.

Any dog confined by the ~~Dog Officer~~ **Animal Control Officer**, unless picked up by the owner, shall be kept for at least 10 days, at which time said dog may be disposed of in a manner determined by the Board of Selectmen, provided that at the end of 10 days the ~~Dog Officer~~ **Animal Control Officer** may make available for adoption any male or any spayed female dog not found to be diseased. Any dog confined by the dog officer shall not be released to the owner until the owner produces evidence of a current dog license and pays a sum ~~of $10 per day~~ **as voted by the BOS pursuant to MGL Chap 40 Sec 22F** for care of the animal, each day or part of a day counted as one day. For any dog adopted under this section, a fee ~~of $10~~ **as voted by the BOS pursuant to MGL Chap 40 Sec 22F** shall be charged, and said dog shall be licensed before adoption. Any fees in this section are to be in addition to fees or fines as specified elsewhere in this article and/or under Massachusetts General Laws. No dog shall be turned over or sold in any manner inconsistent with § 151 or disposed of inconsistent with the provisions of § 151A.

§ 11-10. Emergency treatment.

Any veterinarian registered under the provisions of MGL c. 112, § 55 or 56A who provides emergency treatment of a dog or cat that is injured on any public way in Chelmsford shall receive, in lieu of payment from the County Dog Fund as allowed in § 151B, payment from the **Revolving** Dog Fund. ~~provided for under this article~~. All other provisions of § 151B shall be incorporated herein under this article.

§ 11-11. Damage caused by dogs.

A. Whoever suffers loss in a manner described in § 161 shall inform the ~~Dog Officer~~ **Animal Control Officer** of such loss, who shall investigate the circumstances of said loss. In the event it is found that the damage was caused by a dog and the estimate of damages by the ~~Dog Officer~~ **Animal Control Officer** is less than $50, the ~~Dog Officer~~ **Animal Control Officer** shall submit a report to the Board of Selectmen. If the estimate is over $50, the Dog Officer shall have the damage appraised on oath by three persons, one person appointed by the Dog Officer, one appointed by the person alleged to be damaged and one appointed by the other two. Said appraisers shall act as outlined in § 161 and turn in said appraisal to the Board of Selectmen, which may authorize payment or make such independent investigation as it thinks proper and shall issue an order upon the Town Treasurer-Collector for any amount as it decides to be just and shall notify all interested parties of its decision. The appraisers shall receive payment from the Town in a manner as is authorized in § 161. All funds expended under this section shall come from the **Revolving** Dog Fund. [Amended 10-21-1999 ATM by Art. 31]

B. The obligations and liability of the Town and the Town's agents, servants, employees and/or elected officials hereunder shall be limited to $100 per animal and $500 per residence per fiscal year. This shall not limit the Town's remedies and rights to seek compensation in excess of said amount pursuant to this article. [Added 11-30-1987 STM by Art. 13]

C. The Selectmen may appoint a temporary investigator in any case that the Board believes in its reasonable discretion requires further investigation, and if said investigator believes that the evidence is sufficient to sustain an action against the owner or keeper of the dog, the investigator shall recommend to the Board of Selectmen that said action be brought, unless the owner or keeper before action is brought pays him or her such amount in settlement of the damages as he or she deems reasonable. After the recommendation of the investigator, the Selectmen may order that action shall be brought in his or her own name or in the name of the Town of Chelmsford, or both, as the Selectmen determine.

D. If the Selectmen determine, after notice to parties interested and a hearing, who is the owner or keeper of any dog which is found to have worried, maimed or killed any livestock or fowls, thereby causing damages for which their owner may become entitled to compensation from the Dog Fund under this article, they shall serve upon the owner or keeper of such dog a notice directing him or her within 24 hours to kill or confine the dog. A person who owns or keeps a dog and who has received such notice and does not within 24 hours kill such dog or thereafter keep it on his or her premises or under the immediate restraint and control of some person shall be punished as provided in § 11-18 of this article, and any police officer, constable or dog officer may kill such dog if it is found outside of the enclosure of its owner or keeper and not under his or her immediate care.

E. The Board of Selectmen, or its agents thereto authorized in writing, may, after written notice to the owner or keeper, enter upon the premises of the owner or keeper of any dog known to the Board to have worried or killed livestock or fowls and then and there kill such dog, unless such owner or keeper whose premises are thus entered for said purpose shall give a bond in the sum of $200, with sufficient sureties, approved by the Board of Selectmen, conditioned that the dog shall be restrained for 12 months next ensuing, and if the owner or keeper of the dog declares his or her intention to give such a bond, said Selectmen or their agents shall allow him or her seven days, exclusive of Sundays and holidays, in which to procure and prepare the same and to present it to them or to file it with the Town Clerk.

§ 11-12. Liability for damages.

The owner or keeper of a dog which has done damage to livestock or fowls shall be liable in tort to the Town for all damages so done in which the Town has been requested to pay as provided by MGL c. 140 or by this article. Such action may be brought by the Board of Selectmen or by a temporary investigator as authorized in § 11-11 of this article.

§ 11-13. Reward for killing dog.

The provisions of § 162 regarding the rewards for killing a dog shall be incorporated herewith, with said funds being paid from the **Revolving** Dog Fund.

§ 11-14. Ordering dogs to be muzzled or restrained.

All the provisions of § 167 shall be incorporated into this article, except that any dog held under the provisions of § 167 may not be released until all the requirements of this article regarding licensing and the fee for care of the animal are complied with. All other provisions of § 167 shall be incorporated herein.

§ 11-15. Citations.

Any person authorized to enforce the provisions of this ~~article~~ **Chapter 11, Animals, Article1, Dogs**, shall, in addition to any pickup of the dog pursuant to this article, issue a citation to the owner or keeper of any dog violating the provisions of ~~§ 11-17~~ ,~~Running at large~~ ~~of~~ this article. Any such citation shall include, in addition to the violation charged, the name and address of the owner or keeper of the dog, the date and time and location of the alleged offense and the amount of the penalty due. Said citation shall be on a form prescribed by and furnished by the Town Clerk.

§ 11-16. Informal disposition process.

A. The owner or keeper of the dog that receives a citation under this article may, within 21 days, confess to the offense charged personally or through a duly authorized agent or by mailing to the Town Clerk said citation along with payment in the amount as authorized under the penalty provisions of this article. Said payment shall be by postal note, money order or check. The payment to the Town Clerk shall operate as a final disposition of the case.

B. If such person when issued a citation desires to contest the violation through the informal disposition process, such person may, within 21 days of said issuance, request a hearing with the Town Clerk, or a hearing officer appointed by said Clerk, and may present either in person or by counsel any evidence he or she may have to refute the allegation contained in the citation. At such hearing, the Clerk or hearing officer shall make a determination as to facts of the allegation, and said determination shall be final regarding the informal disposition process.

§ 11-17. Non-criminal disposition.

If any person so notified by citation desires to contest the violation alleged in the citation notice without availing himself or herself of the provisions of the informal process or desires to contest the decision of the Clerk or hearing officer, he or she may avail himself or herself of the procedures established in Chapter 1, General Provisions, § 1-2 of the Code of the Town of Chelmsford. In either of the above cases, or if the owner or keeper of a dog fails to respond to the citation within 21 days, the Town Clerk shall forward a copy of the citation to the District Court, where it shall be handled under the provisions of Chapter 1, General Provisions, § 1-2 of the Code of the Town of Chelmsford.

§ 11-18. Violations and penalties.

~~The following penalties, except where indicated herein, shall be in effect for violations of the provisions of this article § 11-7 A~~

~~(1) Informal disposition process.~~

~~(a) Second offense in calendar year: $25.~~

~~(b) Third offense in calendar year: $50.~~

~~(c) Fourth or subsequent offense in calendar year: $100.~~

~~(2) Non-criminal disposition through Chapter 1, General Provisions, § 1-2 of the Code of the Town of Chelmsford.~~

~~(a) First offense in calendar year: $50.~~

~~(b) Second offense in calendar year: $100.~~

~~(c) Third or subsequent offense in calendar year: $150.~~

~~Penalties for violations of any other provision of this article shall be $100.~~

~~Each day of all said violations shall constitute a separate offense.~~

The following penalties shall apply for violations of Article 11. Any person who violates this section shall be subject to payment of the following fines:

Section	Violation	Penalty
11-3	Non-current dog license	$25.00
11-3(1)	Non-current rabies vaccination	$25.00
11-3(2)	Not wearing tag	$15.00
11-4D	Failure to maintain kennel in sanitary and humane manner	$50.00
11-7-2	Barking dog	$25.00
11-7-3	Failure to remove animal waste	$10.00
11-7-1	Running at large	

(1) Informal disposition process:

(a) First offense in a calendar year $50.00

(b) Second offense in a calendar year $75.00

(c)Third and subsequent offenses in a calendar year $125.00

(2) Non-criminal disposition

(a) First offense in a calendar year $75.00

(b) Second offense in a calendar year $150.00

(c) Third and subsequent offenses in a calendar year $200.00

All other sections of Article 11 $100.00

Each day a violation exists shall constitute a separate offense.

~~§ 11-19. Dog Fund.~~ ~~[Amended 10-15-1990 ATM by Art. 18]~~ **Delete this section and renumber remaining sections.**

A. ~~There shall be a Dog Fund established by the Town under the provisions of MGL c. 44, § 53E, which shall be used to make purchases necessary to administer this article and to pay any expenses relating to this article or for any other costs that Massachusetts General Laws require to be paid from the County Dog Fund. Said fund shall be administered by the Treasurer-Collector and may receive funds from usual municipal financing methods and from any fees or fines collected under this article. The Board of Selectmen shall determine a maximum amount that shall stay in said fund, with all~~

~~additional funds being turned into the general fund.~~

B. ~~The Board of Selectmen may determine certain salaries or expenses that may not be funded with this fund but must be appropriated through the usual municipal financing procedure, and such determination shall be binding on the administration of this fund by the Treasurer-Collector.~~

§ 11-~~20~~. **19** Anti-rabic vaccine and treatment.

The Board of Health shall, upon application, furnish free of charge to any resident who has been exposed to rabies or may have been so exposed anti-rabic vaccine and anti-rabic treatment, in accordance with rules and regulations which the Department of Public Health is authorized to make. Any resident shall have the right to select his or her own physician, who shall be paid by the Town at a rate established by the Board of Health, and the fact that a physician is a member of the Board of Health shall not disqualify him or her from being so selected and from being paid by the Town for his or her services. Reimbursement for the cost of furnishing vaccine and treatment, not exceeding $50 in the case of any one person, shall be made from the Dog Fund.

§ 11-~~21~~. **20** List of dog owners.

Persons authorized or directed by MGL c. 51, § 4 or by any special law to make lists of persons three years of age or older shall make a list of all dogs owned by the inhabitants of the Town at the time of making lists required under such section and return the same in duplicate to the Town Clerk on or before April 1. An owner or keeper of a dog who refuses to answer or answers falsely to persons directed or authorized to make a list of owners of dogs shall be punished by a fine of not less than $10.

§ 11-~~22~~ **21** Incorporation of statutory provisions.

The provisions of the following sections of Chapter 140 of Massachusetts General Laws shall be incorporated into and apply to this article: §§ 145B, 149, 155, 155A, 156, 157, 158, 159, 160, 161A, 168, 174A, 174B and 174D. Editor's Note: Original Sec. 23, Effective implementation date of this article, which immediately followed this section, was deleted 10-21-1999 ATM by Art. 35.

§ 11-~~23~~. **22** Severability.

If any part, section or provision of this article is found to be invalid, the remainder of this article shall not be affected thereby.

ANNUAL FALL TOWN MEETING
October 16, 2006

The Annual Town Meeting was called to order at 7:40 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. There were **144** Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions. Town Counsel for this meeting from Kopelmen and Paige would be Attorney John Giorgio.

Selectman Michael F. McCall moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. Motion carried, unanimously. Selectman Michael F. McCall moved that the reading of the entire warrant be waived. Motion carried, unanimously. The Moderator asked that the Body acknowledge a moment of silence in honor of Edward Marshall who had been a past member of the School Committee and Town Meeting Representative and had served on various Town committees through the years. He passed away on August 27, 2006. The Body did so.

The Moderator then made a few community announcements regarding the hours of Halloween on October 31st being from 5-8pm. Town Meeting dates for 2007 are April 30th and October 15th . The Finance Committee had available in the back of the hall a letter requesting input from the Body regarding the format of the warrant book.

Chairman of the Board of Selectmen Michael McCall then came forward and addressed the body regarding the departure of the Town Manager Bernard Lynch. Mr Lynch had accepted the position of City Manager for the City of Lowell in July. Due to his resignation the Board of Selectmen based on the Charter, formed a nine member sub committee known as the Town Manager Screening Committee. The Board consisted of four members of the BOS, himself, Philip Eliopoulos, Sam Chase, and William Dalton and five residents whose credentials were; Paul Gleason, Town Meeting Representative and a former Town Manager, Ellen DiPasquale a Director of Human Resource, Clare Jeannotte, member of the Finance Committee and Town Meeting Representative, Cheryl Boss who was is a member of the current Charter Review Committee and was a former member of the original 1989 Charter and Town Manager selection committee and Sheila Pichette Town Meeting Representative and a former elected member to the School Committee. He explained that the committee met continuously at least two times a week since August and reviewed close to three dozen applicants for the position. The Committee interviewed ten semi finalists as candidates for the position. Then the list was narrowed down to James Molloy and Paul Cohen. The BOS unanimously chose Paul Cohen to fill the position of Town Manager. Selectman McCall then introduced Paul Cohen who will begin the position as of November 27th. The Body responded with a round of applause. Mr Cohen thanked the Body and expressed that he was honored to have been chosen and looked forward to working for and with the Town in the years ahead.

Charles Wojtas then moved that articles 1-5 be postponed until Thursday October 19th where it will be the first order of business addressed. The Moderator explained that at this time the Town is still waiting for figures from the State which will affect the amounts of these articles. The Moderator asked for a vote by way of a show of hands on the motion. **Motion carried, unanimously.**

Janet Murphy moved to take article 21 out of order and to act on it now. The Moderator explained that this article required the use of an interpreter who was present tonight. Due to not knowing the exact time frame on when the article would come up it was felt best to address it as the first article to be heard tonight. The Moderator asked for a vote by way of a show of hands on the motion. **Motion carried, unanimously**.

UNDER ARTICLE 21. Charles Wojtas moved that the Town vote to amend Section 195-3 of the Chelmsford Zoning Bylaw by rezoning from RB Zone to a CD Zone, the land known as 1 Academy Street/6 North Road, shown on Assessors Map 73 as Parcel 315-10, containing 27,428 square feet of land, more or less; situated on the northerly side of Academy Street, and being shown on a plan of land recorded with the Middlesex North District Registry of Deeds at Book of Plans 127, page 173.

Attorney Douglas Deschenes representing Charles Johnson who is the property owner explained the reason and the intention of the article. Due to the high traffic and location his client would like to convert the property into a professional office use from its current residential use. The exterior would not be changed except to remove the driveway on Academy St and take the garage doors off and restore that building to its original condition. There would be a one way entrance off of North Road and only an exit onto Academy St. The building and lot area meets the CD zone requirements and he asked for consideration of the article.

Numerous questions were asked concerning the business hours and if the Historic Commission had been told about the exterior change. Were the abutters notified? Yes a public hearing had been held. Peggy Dunn questioned the lighting in the parking lot. This issue will be addressed when the Planning Board hears the application. Dennis Sheehan asked if the taxes would be increased. Yes it would be taxed as commercial property. Dennis Ready said that the proposed office use is allowed in a CD district, however so are other uses. Is there going to be any deed restriction on the property preventing any other use other then professional office? No restriction will be placed on the deed. John Goffin questioned how many offices will be located in the building. A single office building is being proposed but it could be made multi. Paul Gleason asked how long the present owner has lived on the property. Since 1995. Richard Day questioned why change the zone to CD, why not Commercial. Attorney Deschenes explained that the surrounding properties on North Rd were previously granted use variances by the BOA which are no longer allowed. Wanted to avoid spot zoning. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator read the Planning Board's recommendation: The Planning Board held a public hearing on this article on September 27, 2006 at 7:30 PM. After publishing a legal notice, in the Chelmsford Independent on September 7

and 14, 2006. Notice of the hearing was sent according to the requirements of MGL Chapter 40A, Sec 5. The Planning Board recommended in favor of adoption of the proposed zoning by-law amendment to rezone the property from RB Single Residence to CD General Commercial, on condition that a covenant be executed to protect and preserve the historic appearance of the property, said covenant to be recorded at the North Middlesex District Registry of Deeds and to run with the land. The vote to recommend in favor of the zoning amendment was four in favor, two opposed, and one abstained. A number of Representatives spoke against the article because of it being an historical building. Peggy Dunn gave a brief outline of the historical value of the property. Dennis Ready spoke against the rezoning felt that it was spot zoning. Even though it is an acceptable use there is no guarantee that it would remain a professional building there should be a deed restriction keeping it as a professional building. Robert Joyce said he was against the article. He was a member of the Planning Board and one of the two votes against the article. He felt that this should be considered in the master plan. Jim Dolan moved the question to stop debate. The Moderator asked for a show of hands. The Moderator declared that the motion carried, by recognizing the 2/3's vote rule. He then asked for a show of hands on the motion as presented. **Motion defeated**.

UNDER ARTICLE 6. Kerry A. Speidel Acting Town Manager moved that the Town vote to accept Massachusetts General Laws, Chapter 32B, section 18, that requires that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage there under at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town.

The Acting Manager explained that this section of 32B requiring local acceptance passed in 1991. In order to implement it must be accepted by a Town Meeting vote. Once passed, all retirees who are eligible for Medicare Part A at no cost to themselves must enroll in this plan. There is a 10% transfer penalty based on each year that the retiree should have been under Medicare Part A. The Town will pay 100% of the penalty cost for any employee and/or dependant who is currently eligible and not under the plan in order to complete the transfer. All ineligible retirees will remain on their active plans. Out of the 351 cities and towns in MA, 144 have accepted this statute and a number of others are considering it. The Town is paying into this system and should take advantage of it. It has been estimated that a savings of $1.6 million will be had over the first five years of it being in effect. It was fiscally responsible and she asked for support. Scott Johnson questioned that this was postponed at the Spring Town Meeting in order for the Insurance Advisory Board to be able to do further research, which hadn't been completed yet. Why was it now coming before the Body? Kerry Speidel said if the article passes tonight enrollment is only done between January and March and will be go into effect beginning July of 2007. There are 78 retired employees eligible for this. This would save the Town in the first year an estimated amount before paying the penalty of $423,636. Dennis Ready questioned if this was accepted could the Town withdraw from it. Sue Shillue representative from Cook and Company which is the Towns health care consultants said that once a Town accepted this she wasn't aware of anyone withdrawing from the program. Town Counsel John Giorgio said there was nothing in the statue. The

Finance Committee recommended the article. The Board of Selectmen recommended the article because there will be a substantial savings for the Town. Marian Paresky spoke against the article. She said that the retirees cost will be increased by $76.98 for a single plan and $199.38 for a family plan. She has attended the Insurance Advisory Committee meetings and felt that there was a communication problem between the prior Town Manager and the Board. She felt that the BOS had indicated that they would consider accepting section 19 of 32B and they keep putting off taking any action regarding this. Attorney Giorgio made a point of order regarding the Town being able to revoke a vote taken on accepting a provision of the general laws. It can be done after three years; however, it can't be applied to any sections of 32B. In order to have action revoked under 32B the Town would have to petition the State Legislation for a special act that would allow the Town in the future to repeal any action voted. Selectman McCall responded to Marian Paresky concerns and said that the BOS is still researching and have not ruled out accepting section 19 at this time. Clare Jeannotte asked questions of clarification concerning the percentage break down and how it was established. Kerry Speidel said that the Board of Selectmen votes the percentage that employees have to pay. The Town's contribution can not be any lower then 50%. Currently it's 75/25 for non retirees and 60/40 for retires. Clare Jeannotte questioned if over the years the Town continued to pay the same dollar amount in order to persuade employees to change from one carrier to another. The Town's portion would then be a higher percentage rate of payment. Kerry Speidel said that this is exactly what happened. Prior to her employment, in order to get the active employees to switch from master medical, which was an expensive health plan to a HMO plan, the Town offered to keep paying the same dollar amount which did in fact make the contribution a higher percentage to75% However, the contribution that the retirees were still supposed to pay was 40%. Jeanne Parziale, the Town's HR person further explained that this happened in the 80's and that once the audit review of expense concerning health care was done it was discovered that the retirees were only paying 25%, the same as the active employee's, and not 40%. Sue Shillue went to speak again and the Moderator made a point of order. He said permission was needed because she was a non resident. Selectman McCall then moved to allow Sue Shillue to speak regarding this issue. The Moderator asked for a show of hands, motion carried. Sue Shillue continued, and asked that Clare Jeannotte explain her question again. Clare Jeannotte said she just wanted to make sure that the Town hadn't gone back on its word on the percentage it would pay. She felt that now was the opportune time for the Town to shift the cost of certain retiree's health care from the taxpayers to the Federal Government. Scott Johnson said that he was a member of the Insurance Advisory Committee and that Committee needed to research this more and that the article should be deferred until the Spring 2007 Town Meeting. He put this in the form of a motion. He felt that there is memorandum of understanding that was signed by numerous unions indicating that the Town would contribute 75% if the employees would give up the master medical insurance. This also included all retirees. He felt that further discussion was needed regarding the memorandum along with the effects of the acceptance of Chapter 32B section 19. Attorney Giorgio said that the Body should be cautious in discussing matters that concern collective bargaining. The Moderator asked if there was any further debate on the motion, hearing none he asked for a show of hands on the motion to defer the article. Motion defeated. More discussion took place. Selectman

Eliopoulos addressed the body. He said that the BOS has been and is still discussing the merits of section 19. If adopted, the Town would have to pay all employees active and retirees the same percentage. This would be quite an expense for the taxpayers. He feels that the current co-payment is quite generous with it being a $5.00 payment. There had been numerous attempts to raise the amount, it would be a savings for anyone under the benefit plan and best interest for all. The Committee said that until section 19 was accepted there would be no discussion about increasing the co-payment amount. Until the co-payment was increased there would be no savings from adopting section 19. He felt that as far as the percentage payment went, the retirees always had a 60/40 percentage. Once the mistake was discovered the correction was made and there was no attempt by the Town to have the retirees pay back money because it was the right thing to do. If passed this article gives the Town an opportunity to save money. This is not moving anyone to a lesser plan. There will be difficult times ahead and this is one of the places where the savings will be beneficial. This article provides a great plan for the retirees. He as well as the Board is committed to working with the Insurance Advisory Committee regarding section 19 which is a separate issue from this article. Thinks it would be irresponsible to the Body to vote putting this off. Thomas Moran spoke in favor. Marian Paresky spoke against the article. She asked that the article be defeated. Felt it would be better to wait and have the new Town Manager, the Treasurer, the Selectmen who will meet with the Insurance Advisory Committee and straighten this situation out for once and for all. James Dolan moved the question. The Moderator asked for a vote by way of a show of hands. The Moderator declared that the motion carried, by recognizing the 2/3's vote by-law. The Moderator then asked for a vote by way of a show of hands **motion carried.**

UNDER ARTICLE 7. Kerry A. Speidel Acting Town Manager moved that the Town vote to appropriate the sum of $10,000 to establish a post-employment Benefit Stabilization Fund to assist the Town in the financing of future benefits costs for former employees.

The Acting Town Manager explained that the Town has to comply with GASB 45 which requires each town to calculate its unfunded post employment benefits liability, ours is presently $1.3 million dollars. There is no requirement that money be set aside to fund the unfunded liability. Other communities have obtained a special act to obtain a trust fund, and the money in it cannot be used for anything else. Another idea is to create a stabilization fund. This isn't the most secure method because money can be transferred at any time by a 2/3's town meeting vote from the fund. Currently the Town is having some issues regarding its bond rating. One of the things that the rating community will be looking at is how the Town will fund this unfunded liability. She believes that at some point the legislation will be passed enabling Towns to set up a trust fund. However, until that happens in order to show good faith to the bond counsel the stabilization fund would be created and some money will be set aside to address the issue. Currently the Federal Government offers Medicare part D which is prescription drug coverage. The Town already has in place through its supplement plans a drug benefits plan which it offers to retirees. The Town will receive a subsidy from the Federal Government to keep our retirees off of the Medicare part D. plan. In approximately

January the Town will begin to receive this reimbursement and she expects it to be in the neighborhood of $300,000. She then would request that these funds be transferred into this stabilization fund. She asked that the Body vote to establish the fund and the transfer of $10,000. George Ripsom questioned what would prevent future organizations from removing money from this fund. The Acting Manager said that there is nothing to stop this from happening only that hopefully it won't. He felt that the amount didn't seem like it would really matter to the bond counsel. The Acting Manager said that this is a small way to show that the liability is real and a show of good faith. More money will be applied like the subsidy from the Medicare part D reimbursement when and if it becomes available. Glenn Thoren asked if this was any different from the current stabilization fund that the Town has. The Acting Manager said that this is no different. State law allows a municipality to set up various stabilization accounts when trying to address certain items. The current stabilization fund could be used; however she felt it would be better to have a separate account set up just for this issue. Kathleen Torres questioned if the Town could in fact be penalized at some future point for having set aside funds. This was done in the past when the formula was established concerning the distribution of Chapter 70 money from the State. So would it truly be a benefit. As far as bond ratings go then yes it would be. Presently those towns with triple A ratings have a trust account set up for this issue. As far as the Chapter 70 money goes she can't see the State negatively impacting the Town because we are acknowledging that a problem exists and we're trying to work on it. Karen DeDonato questioned where the $10,000 would come from. It would be money from the overlay account. This account is money that is set aside each fiscal year to deal with any approved appeals from real estate valuations established by the Board of Assessors. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none, he asked for a vote by way of a show of hands. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote by-law.

UNDER ARTICLE 8. Selectman Michael F. McCall moved that the Town vote to appropriate from the Community Preservation Fund Historic Preservation Reserve the sum of $25,000 for use by the Chelmsford Cemetery Commission for the purpose of historic preservation activities at Heart Pond, Riverside and West Chelmsford Cemeteries.

Robert Morse Chairman of the Community of the Preservation Committee explained that this money is to be used at the above mentioned cemeteries for resetting headstones, granite restoration and tree removal. He listed the estimated amounts to be spent in Heart Pond to be $9,868 which included repairing forty seven gravestones and some tree removal. In Riverside it is estimated to be $9,321. And in West Chelmsford the amount to be spent is $2,900. A small amount of contingency has been built in to round off the total cost of $25,000. He said that the work that has been accomplished especially like that done at Forefathers makes it worth while. He asked for support. Dennis Ready questioned what has been spent to this date. Open space $75,000 plus asking for $65,000 from this Town Meeting. Historic Preservation, $75,000 plus asking for $25,000 at this Town Meeting. Affordable Housing, $18,700 and asking for a $150,000 at this Town Meeting. Dennis Ready said that most of it was spent on

Affordable Housing and not much on Open Space. Working towards spending on Open Space. Purchasing land is quite expensive. When the time comes it will more then take likely need the whole budget. Dennis questioned if there are rules requiring that 10% be spent on each category. Robert Morse explained that each fiscal year, the Committee needs to either expend or put into an account 10% raised for each category. Currently the account balances are Open Space $198,000, Historic $178,000, and Affordable Housing has $138,000. Dennis Sheehan questioned what is headstone restoring. Robert Morse explained that this work was done at Forefathers. The stones are either toppled over or just about doing so. Twelve inch footings are re-dug and the headstones are remounted or in some cases repairs are made prior to remounting, or just repairing the slates. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none, he asked for a vote by way of a show of hands. The **motion carried, unanimously**.

UNDER ARTICLE 9. Selectman Michael F. McCall moved that the Town vote to appropriate from the Community Preservation Fund Open Space Preservation Reserve the sum of $60,000 for the purpose of open space preservation activities at the Cranberry Bog Reservation.

Robert Morse explained that funds be allocated to study the dam at the bog because it looked like it would soon need to be in repair. As it was a week later the dam broke flooding the area, and the need to do the actual study was eliminated. After two unsuccessful attempts to repair it by the company that works the bogs, the Town's DPW went in and repaired the dam for the amount of $17,647. There is a parking spot at the beginning of the bog where one car can barely park safely. It is proposed to create a better parking lot or $25,000 and add a gate for $5,000. Peggy Dunn questioned the location of the parking area. It would be in the present location which is off the road just made wider and safer. Sheila Pichette questioned the purpose of the gate. He said it was to prevent driving access into the bog via 4 wheel or ATV vehicles. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none, he asked for a vote by way of a show of hands. The **motion carried, unanimously.**

UNDER ARTICLE 10. Selectman Michael F. McCall moved that the Town vote to appropriate from the Community Preservation Fund Community Housing Reserve the sum of $120,000 and from the Community Preservation Fund General Fund the sum of $30,000 for use by the Chelmsford Housing Authority for the creation of community housing on land off Harding Street and Putnam Road.

Robert Morse said that David Hedison the Housing Authority director who is also a member of the committee would explain the article. This would be used as pre-development funds for a proposed thirty-seven unit 100% low income project for seniors and a duplex for special need citizens. When the last project was done Enterprise Bank extended a line of credit, however the interest paid was not reimbursable and cutbacks had to be made on interior items in order to maintain the budget. The HUD program doesn't fund any project until the third year which is when the ground is broken to start

the development. Prior to that there is engineering, design and site work preparation etc that must be done. There will be reimbursements by the Federal 202 program however, HUD does not fully reimburse all, but what it does will be returned to the Community Preservation fund. This would avoid the CHA from seeking a line of credit and paying interest. George Merrill questioned if 80% of the money collected for Community Preservation was to be used for Open Space. No 10% is broken into three categories as previously mentioned. Kathy Duffet questioned if Chelmsford resident will be given preference on the housing units? David Hedison said 70% will be put aside, which is state law. She then asked what is the amount of income for qualification to be considered low income. The response was $30,000 per year. Michael McCall questioned if any of the money used for increasing the affordable housing stock would help the Town reach the goal of 10% of affordable housing, thus avoiding the development of 40B projects. Yes it has, fifty have been developed. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Glenn Thoren asked for support of the article. He said that this is based on the trust and all the hard work that David Hedison has done for the Community this will be a good project. The body responded with a round of applause. The Moderator asked if there was a need for further discussion. Hearing none he asked for a vote by way of a show of hands. The **motion carried, unanimously**.

UNDER ARTICLE 11. Selectman Michael F. McCall moved that the Town vote to amend its acceptance of the Community Preservation Act, as voted under Article 1 of the Special Town Meeting of February 26, 2001, and as approved by the voters at the 2001 Annual Town Election by increasing the Community Preservation Act surcharge on real property as a percentage of the annual real estate tax levy against real property from 0.5% to 1.5% and that the Town accept the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act, and $100,000 of the value of each taxable parcel of residential real property, with such amendment to take effect for Fiscal Year 2008.

Robert Morse explained that the purpose of the article is to ask for an increase in the surcharge to the real estate tax of the current 0.5% to 1.5%. Also to ask that exemptions be made for low income households and low to moderate income senior households. Currently the average household assessment is $332,000. or $15.00 per household. Whatever the amount is taken in each year the State provides 100% reimbursement. He listed the projects that have been done or aided with CPA money over the years. The purchase of the Red Wing Farm, the restoration of cemeteries, the buttoning up of North Town Hall, the moving of the Jock House and improvements made to other historic houses in Town. Money that the CHA uses regarding their various housing needs. The Lime quarry and Cranberry bog improvements. He then talked about future projects which include purchasing of land for open space. This is one of the biggest hurtles. The price of land is extremely high the cost has been driven due to development especially 40B projects. The monies in the Open Space Account and the Undesignated Account (which is funded by the yearly 70% left over from the other three

accounts) is roughly $1.million. It would require this amount and the possibility of bonding out for the future if the opportunity came to purchase a designated parcel of open space land. One project would wipe out the whole account. He listed the future projects. There were 329 acres which equals twenty parcels that the Committee designated as possible purchase. There is also a need to provide space for recreational uses. Also improvements made to present recreational spots, Southwell Field, Roberts Field, Murphy Field and parking areas for the Town Forrest and Crooked Spring Reservation area. Also more work needs to be done to the North Town Hall. Once the study is completed for the Varney Park restoration money will need to be spent. In order to do this the percentage needs to be raised to 1.5%. This would mean a surcharge of $45.00 surcharge per property valued at $332,000. Also asking for two new exemptions would be implemented. No surcharge would be charged for a low end household. This means that a family of four if the income is below $59,600 would qualify for a complete exemption. Seniors would not have a surcharge if the moderate income for a family of two is $65,300. Both exemptions would have to be applied for. If the surcharge was raised to 1.5% then the amount raised would be roughly $700,000 per year and with the State giving 100% matching funds the Town would have $1.4 million dollars in funding available. Kate Torres questioned how long this would go on is there an end date. Not really. The percentage voted to surcharge and the amount of reimbursement from the State could vary. Currently there are 118 cities and towns on the list that qualify for this funding. Chelmsford was one of the first few to accept the act. Where does the State funding come from? From the fees charged at the various Registry of Deeds. How long will the State keep providing 100%. It looks like a good many years. Karen DeDonato asked if the Body approves this article, and does the entire article go on the ballot including the exemption clause? Yes, if this passes it would have to go on the ballot for the voter's approval it would. Peggy Dunn questioned surrounding Town's surcharge amount. He said it's an average of 2%. The Committee felt that asking to raise it from 0.5% to 1.5% was a reasonable request especially where it would include the exemption clause. Frances McDougall questioned what the income level would be for a one person household. $57,150. Clare Jeannotte questioned how would it be made known that these exemptions are available. David Hedison said that currently anyone who is qualified for any other exemption would be qualified for these so they would be captured at the time when applying for those. Also the Acting Town Manager said that it is not legal to print any information on a tax bill, however a flyer could be inserted. Questions were asked concerning the total amount to be exempted and where did the amounts of income come from.

The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Samuel Poulten spoke in favor he said it is a win, win situation. Michael McCall said that he agreed with the previous speaker. He emphasized that the rate can be raised and lowered with a vote of the Town. The Town has control of its own destiny regarding 40B projects and affordable housing by using this money to fund projects. Glenn Thoren spoke in favor. Dennis Ready moved the question. The Moderator asked for a show of hands on the motion. He declared that the **motion carried**, by recognizing the 2/3's vote by-law. He then asked for a vote by way of a show of hands on the article, **motion carried**.

UNDER ARTICLE 12. The Moderator said he had no written motion regarding this article. Therefore **no action will be taken** and he moved forward. The wording was: To see if the Town will vote to authorize the establishment of a revolving fund under Massachusetts General Law C.44, Section 53E ½ for the Department of Public Works for Fiscal Year 2007. The receipts to be credited to the fund shall be from the collection of fees and incidental expenses from the full-time inspector assigned to each trench opening or excavation site as assigned to the Highway Superintendent. The Public Works Department shall be authorized to spend money from the fund for the purpose of paying the expenses relative to inspections necessary for implementing the full-time trench opening or excavation inspection program. Expenditures from the trench opening or excavation inspection program shall be limited to $25,000 during Fiscal Year 2007, or act in relation thereto.

Selectman Eliopoulos moved to adjourn the Town Meeting to 7:30 PM Thursday October 19th at the Senior Center. The Moderator asked for a vote on the motion to adjourn. Motion to adjourn, **motion carried, unanimously**. The meeting adjourned At 11:00 PM.

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

ADJOURNED ANNUAL
FALL TOWN MEETING
October 19, 2006

The Adjourned Town Meeting was called to order at 7:40 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **128** Town Meeting Representatives present. Attorney John Georgio from Kopleman and Paige was the Town Counsel for the evening. The Moderator then requested the Body to acknowledge a moment of silence in honor of Raymond Greenwood who passed away Monday. He had been a member of the Board of Selectmen from 1958 to 1964. The Body did so. The Moderator said he was aware of some procedural items that needed to be addressed at this time.

Bruce Harper Superintendent of the North Chelmsford Water District requested that article 23 be taken out of order and addressed after article 5. This is due to both the district's legal representative and expertise engineer not being available next week due to scheduling conflicts. The Moderator asked if there were any questions, hearing none he asked for a vote by way of a show of hands. **Motion carried**.

Gary Matthews came forward and requested that article 22 be taken out of order for consideration at the conclusion of the action taken under article 23. He explained that the petitioner of the article was scheduled to be out of Town all next week and requested that the article be addressed at this meeting. The Moderator asked if there were any questions, hearing none he asked for a vote by way of a show of hands. **Motion carried.**

Karen DeDonato came forward and asked that Article 2 be tabled until the conclusion of Article 5. She has requested this in the past. She feels that before free cash money is put into the stabilization fund the articles regarding Medicaid and Special Revenue reimbursements should be addressed first. Then if there is any money left that will go into the Stabilization Fund. The Moderator asked if there were any questions, hearing none he asked for a vote by way of a show of hands. **Motion carried**.

UNDER ARTICLE 1. Selectman Michael F. McCall moved that the Town vote to hear reports of the Town Officers and Committees.

Patrick Maloney of the School Building Committee gave a brief report. He said that everything was on schedule and on budget. He presented a list of the completed items and showed pictures of the finished projects. The final phase is scheduled to be completed in the spring of 2007. The Body responded with a round of applause.

Kerry Speidel Acting Town Manager came forward and presented the first of what is to be an annual Five year Forecast report to the Body. The Acting Manager explained as a requirement of the Charter 6-4 the Town Manager is to prepare a financial forecast of the town that is submitted to the Finance Committee and make available to the public. At the past April Town Meeting a by-law was passed that the Town Manager shall make an oral and visual presentation of the five year financial forecast that is prepared according to the Charter to the Town Meeting Representatives at the Annual Fall Town Meeting.

Robert Joyce said that he had asked at the April meeting about the status of the

project of burying the utilities underground. He was told that a report would be presented in the fall. Was a report going to be presented at this meeting? The Acting Manager said that she did not have any report; however, some information will be given under another article within the meeting.

The Acting Town Manger Kerry Speidel then gave a 5 year Financial Forecast which is a requirement due to the passage of a Town by-law during the Spring meeting. She explained that under the Charter the Town Manger was responsible for supplying a five year forecast, which was given to the Board of Selectmen, the Finance Committee and the School Committee. Now, because of the by-law it must be presented to the Town Meeting Body at the Fall Town Meeting. She said that the topics that would be addressed would be those concerning Town's revenue, expenditures, and the general financial condition of the Town. She went over the financial trends, cash budget, long run, and service level solvencies. The Towns main purpose is toe provide a service, unlike the public sector which is to provide a profit. The goal is to keep the Town's books in a way so that they can be easily audited in accordance to the State and Government Accounting Standards Bases (GASB) requirements. The model that is currently used to monitor the trends associated with the financial condition is that of International County Management Association (ICMA). She went over the financial sources used. Financial data is taken form annual audits; schedule A (year end report to Dept of Revenue (DOR), Consumer Price Index, US Cities Average and the month of January. There are thirty-six indicators available and the Town uses only six; Revenues per capita, State Aid, Elastic Operating Revenue, Property Tax Revenue, Uncollected property Tax Revenue and Revenue Surplus/Shortfall which she has concerns for. She explained the meaning of free cash. Of which must be certified each year on July first by the DOR. She went over the Town's free cash history. Showed the stabilization fund over the years and the current State and proposed future funding. She explained how all this effects the bond rating with the present bond counsel of Standard and Poor. Currently the Town has an AA with a negative outlook. She gave the financial forecast for FY 2008-2012 listing the Revenues Assumptions, Expenditures, Undistributed and Debt Service, Non-appropriated expenditures. Gave her recommendation of increases and went over the budget growth for the next 5 years. In conclusion cuts will have to be made and more consolidation between the school and non school has to be made. Health insurance needs to be addressed regarding the co-payments. All in all this information shows that there is nothing new to report, this situation has been a known fact and predicted in the past. The main purpose was to bring it to the Town Meeting Representatives for their review. The Body responded with a round of applause.

UNDER ARTICLE 3. Kerry A. Speidel Acting Town Manager moved that the Town vote to appropriate from Medicaid Reimbursements the sum of $225,000 to the School Department.

The Acting Town Manager explained that the School provides services to certain students who qualify under the Medicaid fund. When the reimbursements for these services are submitted to the Town, by law it goes into the general fund. From there a free cash portion is transferred to the School Department. Traditionally the amount that is transferred is what was received in the prior fiscal year, minus the cost of administration. This was not the case last year and it won't be this year. The amount received was $285,670.00 minus $19,650.00 for administration cost with a balance of $266,020. There is a need to put money into the stabilization fund therefore the Acting Town Manager had originally recommended that $224,000. be transferred but instead has

recommended that $225,000 be transferred back to the School Department. This is due to the Town receiving a educational grant of $125,000 from the Department of Education. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none, he asked for a vote by way of a show of hands. The **motion carried, unanimously.**

UNDER ARTICLE 4. Kerry A. Speidel Acting Town Manager moved that the Town vote to transfer from Special Revenue, E-Rate Reimbursements the sum of $27,002 to the School Department.

The Acting Town Manager explained that this is a standard article. It is the discount that schools and libraries receive for the acquisition of telecommunication services. The discount is between 20 and 90 %. The money received and goes into a special revenue account then transferred out to the School Department. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none, he asked for a vote by way of a show of hands. The **motion carried, unanimously.**

UNDER ARTICLE 5. Kerry A. Speidel Acting Town Manager moved that the Town vote to amend the Fiscal Year 2007 operating budget under Article 7 of the Annual Town Meeting held on April 24, 2006, as follows:

Increase Line Item #7 (Public Works Personnel) by $40,000
Decrease Line Item #8 (Public Works Expenses) by $40,000

And

Increase Line Item #3 (Chelmsford School Department) by $234,352
and that said appropriation be funded from $109,352 additional Chapter 70 Aid received by the State and $125,000 in Foundation Reserve funds received by the State.

The Acting Town Manager explained where these funds came from. The $40,000 was budgeted to pay for having to contract out the handling of certain heavy equipment. The employee who was to handle this had retired and the job had to be done in house. It is a wash. The $109,352. was the result of more money being received from the State then what had been anticipated when the budget was drawn up in the spring and the other amount is the grant she mentioned in the previous article. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none, he asked for a vote by way of a show of hands. The **motion carried, unanimously.**

UNDER ARTICLE 2. Selectman Michael F. McCall moved that the Town vote to appropriate from Free Cash $468,864 to the Stabilization Fund.

The Acting Town Manager explained that this is the amount left in free cash. $84,000 of which was from the sale of an asset. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Hearing none, he asked for a vote by way of a show of hands. The **motion carried, unanimously.**

UNDER ARTICLE 23. Bruce Harper Superintendent of the North Water District moved to appoint a Committee of five persons, including at least three persons who reside within the bounds of the North Chelmsford Water District, by no later than November 30, 2006, to study the threat to the water supply of the North Chelmsford Water District ("District") posed by the DPW operations at its yard located on Richardson Road abutting the District's well as described in a Report and Recommendations dated June 26, 2006, and prepared for the District by Peter Shanahan, Ph.D, P.E., of HydroAnalyis, Inc., Acton Massachusetts, (a copy of which is attached hereto), and to report its findings and make recommendations to the Selectmen for further action by no later than December 31, 2006.

Bruce Harper requested permission from the Moderator to allow the water district's Attorney Barry Bachrach and Peter Shanahan from Hydro Analysis to address the Body regarding this article. The Moderator asked for a vote by way of a show of hands, **motion carried.**

Peter Shanahan who is a consultant engineer with Hydro Analysis who has worked for many years with the North Chelmsford Water District. The district had asked him recently to consider some activities near their wells that pose a possible threat of hazard. He gave a summary of his report. When the district was established it began with one well located on Richardson Road. In the same area another well was created in 1954, another in 1963 and the current one in 1983. There is a proposal for two additional wells to be created on this site at a future date. The DPW garage located next to the wells site, does propose a threat to the current water supply. He showed slides and an aerial view of the DPW garage site. He said that vehicles which are housed and maintained on the site are associated with certain questionable activities which will be addressed. There are various materials stored and a pile of excavation that is handled on the site. The garage is located about two football fields (600 feet) away from the nearest well. Part of the reason he was asked to view this site was that The MA Division of Water Supply from the Department of Environment Protection (EPA) has recently brought to the Town's attention that this facility proposals a threat to the water supply. The garage is located in Aquifer Protection Zone II. The ground water flows directly down towards the wells and is in a zone of highly vulnerable hydrogeology, which could contaminate the aquifer. He showed a list of chemicals that are used in the association of activities used in maintenance of vehicles, which comes from an EPA report. These chemicals and activities could potentially cause a threat to the water supply, which could cause contamination of the well and render it unfit for consumption. He showed an aerial view of the garage and the yard dated back to this past February. It displays the storage of a number of items strewed outside next to the garage that are not stored in proper containment. Paint cans, unlabeled cans, both contain harmful chemicals that could seep into the ground. Propane tanks, even though the tanks do not contain any chemicals, if a fire were to start they could blow and cause other items to be released causing another hazard. Piles of debris, some which contains a 55 gallon drum, and gasoline cans. A refrigerator, (that contains chemicals which could be a ground water containment), was lying outside next to a dumpster. In the dumpster inside are more refrigerators inadequately contained. Out in the back of the garage is a huge debris pile which is being activity worked. What appears to be just a big pile of dirt is actually an accumulation of material from the various excavation sites of the DPW projects. Recently a number of Towns have lost the use of some wells as a result blasting rubble. This is rubble which potentially contains a chemical residue associated from blasting. It seeps into the ground

and causes contamination. This pile of dirt more than likely does contain blasting rubble. It also had strewed on top of it various containers. He was concerned with what he viewed as a seep coming from the pile that has associated with it a sheen. It may or may not have come from oil, other items do cause sheens. However, the concern was it could be ground water seeping out of the pile. This would indicate that the excavating got too close to the water table making it vulnerable to contamination. A source water assessment was done by the DEP to the district's water supply. If built today the garage would not be allowed on the site. Two things mentioned was that the DPW garage could be a source of contamination to the wells site and that salt storage should be relocated outside of the zone two area. Recently on September 7th the DEP had sent a notice of noncompliance to the DPW citing Hazardous Waste on the site regarding improper labeling of stored waste oil. An open drum of waste oil, and the improper disposal of a refrigerator. What seems trivial isn't due to the site being in an Aquifer II zone. Also cited was an illegal holding tank for the floor drain wastewater, the failure to notify authorities of the debris rubble pile and failure to get a permit. Due to the close location to the well a permit may not be obtainable. The storage of diesel fuel must be contained. He then went over the actions needed to be addressed to be in compliance with the EPA laws. The discontinuance of the dumping and storing of excavated material at this site. The existing piles must be completely removed and located outside of the Zone II. The dumpsters for debris must be relocated outside of the Zone II. No storage of paint, propane tanks etc. No collection of the public's hazardous waste materials. All monitoring wells on the DPW site must be tested annually. The above-ground diesel fuel storage must comply with the law. Drainage from the property should be prevented from flowing into the Cold Spring Brook. DPW must have emergency spill kits and employees trained in their use. DPW must obtain special permits for vehicle repairs on-site. And there should not be any removal of earth below four feet above the water table. Stephanie Levell asked if any fines were issued by the DEP. No just letters of non-compliances. Sue Sullivan asked when did the DPW garage go in there? In the Mid fifties. She asked if the recent wells were moved away from the DPW site and Route 3. Has any containment shown up yet. Bruce Harper said small amounts which well are below the maximum amount allowed. Sodium is one of the biggest problems. It is known as a secondary contamination. Traces of Betax and MTBE and Toyline well below the maximum amount allowed have been found. Were there any other sites besides the DPW garage that are a potential threat? Rt. 3 and the State DPW site, and the regular traffic going by the well site are all potential problems. Is this the only site location of the district's wells? Yes. Is the purpose of the study to say that the Town's DPW is the source? The Attorney will answer that. Selectman Philip Eliopoulos embarked on questions to Mr Shanahan. He questioned when the pictures where taken. February and June. Had Mr Shanahan returned to the site since he first viewed it and wrote his report. Said he went back in June. What then was the condition? He said a lot of the issues had been addressed, however he felt it was because the Town had been cited by the DEP and it may be short term. The District's concern is what will happen in the future. Did he have any pictures to show of the improvements? No. Did the DEP rule that the rubble pile had to be moved. No only the fact that it had not been permitted. Attorney Barry Bachrach came forward and addressed the Body. He said that the DEP issued a notice because of non compliance. The District communicated with the DEP explaining what is in the pile besides rocks, asphalt and concrete. Essentially there is no final decision only that it did not get proper permits. Again Selectman Eliopoulos stressed was it told to be moved. Attorney Bachrach said that the decision is still being investigated regarding the move only that a permit wasn't obtained. Selectman Eliopoulos said the purpose of these questions is so the Body can have facts and a clear

picture of what condition the DPW site is in today. Attorney Bachrach said that the purpose of the Committee would be to fully look into the issue to get a full grasp of a number of issues, such as the sheen. It wasn't tested for oil, which was a likely cause. It was tested for iron and manganese and found to be higher then what is required for safe water. Selectman Eliopoulos asked if the soil in the pile was tested? No not aware of any only the sheen test. Would it be fair to say that the pile of soil was the main concern of the Water District? Peter Shanahan said no that was only part of the concern it was the whole operation of the site. Attorney Bachrach said the dirt pile is a major concern because of what is leeching out of it. It is a ticking time bomb. What exactly is leeching out? Iron and manganese is the only test result so far on record. Selectman Eliopoulos asked Bruce Harper if the district would be comfortable to live by the decision or ruling the DEP gives. Bruce Harper said yes the district would, however the Town should be in compliance with the Town By-laws regarding the Aquifer By-law. That's one of the purposes of forming the Committee. Does the District feel that the individuals on a Committee would have more professional expertise then the opinion of the DEP. Feels that the DEP is understaffed and should go by the guidelines of the Aquifer By-law and ground water districts. Selectman Eliopoulos said that the BOS is willing to go by the DEP recommendations. Attorney Bachrach said that the Town should go by it's own by-laws and not DEP. Selectman Eliopoulos said that currently the district is before the Board of Appeals regarding the compliance of the Aquifer By-law. If the BOS said that they would go by the decision of the DEP and the BOA would the district be willing to do the same? Attorney Bachrach said that Bruce Harper is an employee of the District; the Commissioners would have to make that decision. Were there any Commissioners present then to make this decision? It was important for the Body to know before voting whether the District will live by the decisions of the DEP and the BOA. Attorney Bachrach said that there is no choice in regards to the DEP decision the District has to live by it it's a matter of law. However, as far as the BOA is concern if the District doesn't agree with their decision they have the right to appeal the decision through the court system. What the District wants is for the Town to take it upon its self to look and have a committee look at the situation and look at DEP's past recommendations and see if the DPW is appropriately situated there, and whether it presents a risk to a water supply. The District wants the Town to see the ticking time bomb that is there and to appoint a committee to determine if there is a risk and how it should be addressed and cured. Selectman Eliopoulos asked if the District felt that this committee could offer more expertise in these matters then the DEP. The Committee will look and raise issues if necessary. A fresh eye will look at the situation. Bruce Schnepper asked if the District thought that salt was being stored on this site. No only what comes off the equipment. Bulk storage is on Swain Road. Thomas Moran asked who would appoint this Committee. Town Counsel said that according to the Charter it would be the Town Manager. Thomas Moran was concerned about it being restricted to three people from the water district. Why not from the entire Town? Bruce Harper said that if any contamination is indeed found it would be the District's Water takers who would pay for the cleanup. The Moderator said that the motion he is working from says the Town. He then explained that the motion is what the Body votes on. The wording in the Finance book is the warrant. This is posted in the precincts notifying the residents that a meeting is to take place and that the items contained within the warrant will be addressed and voted on. Dennis Ready questioned if the motion that the Moderator had could be put up on the screen so the Body could see it. He then asked why the dates in the motion were different from the ones on the warrant. Bruce Harper said when the original was prepared it wasn't considered that the Town Meeting would last as long as this meeting seems to be going. Then due to a new Town Manager coming on board at the end of

November it was felt that he would need more time. Dennis Ready said that there were a lot of problems presented that the needed to be addressed. Was he sure everything could be answered within a month's time. Bruce Harper said yes they could. John Kurland questioned how many wells were added to the site after the DPW was established. Bruce Harper said there were three. What other sources of contamination was there in the area besides the DPW garage. Peter Shanahan said that the obvious was the State Garage, and any other businesses in the area that used chemicals. John Kurland asked if the purpose of the Commission was to say that we should do away with all the districts and have one town wide district. No, this ground water resource should be protected. What guarantee is there that the Board of Selectmen would go with this Committee's recommendation? Attorney Bachrach said because if the result says what he believes it will, it can't be ignore. Susan Carter questioned the time frame and the cost. Glenn Thoren asked if there is definitive testing that can be done. Peter Shanahan said that this is to see if there is a future threat. Jeff Miller questioned the aquifer flow. Is it from the DPW garage into the well field? Yes it is. Marlene Cote questioned what the DEP's next step was. Would fines be imposed? Selectmen McCall said that it seems that this has been narrowed to just the DPW garage being in the zone II. Aren't there other businesses that are in this aquifer zone that cause a threat besides the rubble pile and he continued to press questions about the potential threat to the water supply. This resulted in the Moderator monitoring the discussion strongly. The Finance Committee had no recommendation on this article. The Board of Selectmen strongly recommended that this article be defeated. James Pearson DPW came forward and responded to the presentation saying there had been a lot of information and misinformation presented previously. He then went through addressing this. The wells were not put in the 1940's they were put in 1949, 1954, 1963 and 1983, this is not the span of the 1940's. He said that the Water District had sent a list of all potential threats to DEP, did they include their own location on Washington St, which runs into Freeman Lake. There was a surprise visit from DEP and was most comfortable with have nothing to hide. DEP and DPW personnel uncovered every manhole cover for inspection. The chance of tipping over a 50 gallon drum is hardly unlikely. Regarding the illegal holding tank, the DPW garage probably has one of the only permitted holding tanks in Town. There is a state of the art holding tank built on the site. Once a year clean harbor or whoever the lowest bidder is, comes in and pumps it out. DEP doesn't like the use of these types of tanks any longer, however when it was built in 1997 the Town worked with DEP and it was a requirement to have and DEP permitted it. Unlike the facility on Washington St which goes into the ground and then into Freeman Lake. It is not a solid waste pile of unknown materials. It comes from drainage projects being done on the residential streets. Purposely does not allow any from the sewer projects. Independent lab testing is done and sent out for results on the two wells on the site. Did this once a year as a requirement to the permitting process, then when the zoning changed as a permitted use it hadn't been done yearly because this wasn't required. Last did it about eight months ago and all the VOC came back undetectable for both wells. The Town would love to move the garage and if the Body would vote in $27 million dollars like the Town of Lexington did then a new state of the art facility would be built, once an acceptable site is located. The only reason the Town is there and is currently tied to the site, and has been since 1959, is because it is the only site that the Town has. The Town has over 220 miles of roads which must be maintained the equipment must be serviced in order to do this. He feels that an environmental safe garage is being maintained. In response to the propane tanks and refrigerators shown, these are left in off road areas throughout the Town. The DPW personnel pick them up and they have to go somewhere until the next recycling drop off date which happens twice a year. The public is not allowed to just drop them off. He said that again the DPW

has nothing to hide and he doesn't want to imply that he does by arguing over the situation. The DEP has been out at the site. They contacted him last week regarding the four articles on non compliance and the only one left is the rubble pile. The Town has to give them a 30 day proper notice on where and when the pile will be moved to. He showed a map that indicated the different water wells located in the aquifer areas. The Center Water district acquired land in the North area almost next to North's wells. They have already built a couple of treatment plants for their water customers. Now the North Water is going to built one. It just seems absurd to have all these treatment plants and water districts in a town of this size. The article says the DPW is a threat to the North District water supply. The water supply is for the entire Town. George Merrill said the point of the article is that there is a pile of rubble located within the aquifer area. The solution is to just move the pile. Move it to the Swain Rd site. He spoke in favor of the committee being formed. Doesn't think it's proper for the Town Manager to appoint a committee that will study the issue because of the potential conflict. Susan Carter felt that other sources of contamination should be studied. DEP has already been addressing the DPW site. Clare Jeannotte asked for the BOS opinion as a Board. Selectman Eliopoulos said that the District had contacted the Building Inspector regarding the use of the premises. The Inspector said the DPW was in compliance. The District then contacted the Board of Appeals and appealed the Building Inspector's decision where it currently sits. Now the Board is looking at the use of the site according to the zoning by-law. He felt that because the District felt that the BOA wasn't finding anything the DEP was contacted and a surprise visit was made by them to the site. They cited minor issues that needed to be addressed. They never mentioned the rubble pile as being an issue outside of it complying with the permit process when the pile is used. So far there is no confirmation that the contamination is in fact coming from the DPW facility. If pictures where shown today vs those of seven months ago the Body would see quite an improvement to the site. The BOS feels that the decision is going to be made by the experts and whatever it is the Town will comply with. Linda Fall spoke in favor of forming the committee and moving the pile regardless of the DEP's decision. Karen DeDonato asked what was the DPW's schedule regarding the moving of the pile. Mr Pearson said that it would be moved when the construction season slowed down. Equipment had to be made available in order to do this and special equipment that the Town didn't have would be brought in. She asked the Water District if this was satisfactory to them. Bruce Harper said that the offer had been made but it was to be moved from one side of the building to the other. The District felt it should be removed completely off the site, not just within. She again addressed Mr Pearson on when were the wells tested. He said that it had been many years because the zoning had changed making the DPW garage a permuted use it was just done eight months ago. Frances McDougall asked Bruce Harper if the DPW were to move the pile off the site as a solution to the problem and all orders of the DEP met or would he rather that the DPW site be moved. Yes 80% satisfied once the pile is gone, and the yard kept clean. Jeff Miller asked if the pile could be bided out and removed by an outside concern. Yes it could however the pile has a high value. And the Town would have to replace it and purchase material for its use. Pat Magnell felt that the Town hasn't proactively been trying to be a good neighbor to the Water District. The water takers pay taxes to the Town and shouldn't feel that their water isn't safe. Dennis Ready moved the question to stop debate. He asked for a vote by way of a show of hands He declared that the **motion carried**, by recognizing the 2/3's vote by-law. He then asked for a vote by way of a show of hands on the article which left the Chair in doubt. The following tellers came forward and conducted a hand count: Dorothy Frawley, John Maleski, Thomas Gilroy and Eleanor Gilroy. The result was: Yes 78 No 42 **the motion carried.**

UNDER ARTICLE 22. Dwight Hayward moved that the Moderator waive the reading of the motion. The Moderator asked for a vote by way of a show of hands **motion carried.** Kevin Newton who was one of the parties involved gave a presentation to the body. He explained that this article is the result of the owners of Lots A thru E being left with clouded titles as a result of previous Town Meeting's actions. Specifically Article 7 of the Fall of 2005 and Article 11 of the Spring of 2006. He said he would present the timeline and then the deeded land owners would briefly address the body. He said in December of 1996 Edward and Barbara Madden purchased Lot E. In July of 2001 Kevin and Robyn Newton purchased lots C and D. In November 2003 Wesley and Barbara Malowitz purchased Lot A. And on December 2003 Charles and Gloria Clancy purchased Lot B. In September 2005 Paul Flannery of 6 Russell Rd expresses interest in purchasing Lot B from the Town of Chelmsford. In October of 2005 at the fall Town Meeting, Town Representatives voted yes on Article 11 to convey Lot B to the Town of Chelmsford. The Clancy's the deed holders and tax payers of record for Lot B, were not notified of this action. The value of $1,800 is placed on the land. In March of 2006 the Clancy's and abutters to Lot B receive a request for bids package from the Town Manager's office. The minimum bid is set at $10,000. Bids are scheduled to be opened on March 17th. That request for bids is placed on hold, and all recipients of the bid package are invited to meet with the Town Manager for discussion. On April 2006, the owners of lots A, B, C, D, E as well as Paul Flannery attended a bidders meeting with the Town Manager. At this meeting the owners of lots A, C, D and E realized that the Town of Chelmsford is also reviewing ownership of lots A, C, D and E the Town Manager states no action would be taken until further discussions transpire with the deed holders. On April 6th The Town Manager signs Article 7 of the Special Town Meeting warrant seeking conveyance of lots A, C, D and E. Then on April 21st the Town Manager issued a letter of apology to the deed holders of Lots A, C, D, and E who after being told no action would be taken, found that an article had been put on the warrant. They were told it was a misunderstanding. On April 27th the Town Representatives voted no on Article 7 the lots will not be conveyed. The Town Manager made a commitment to work with the Russell Road residents to find a resolution. The creation of this article is what clouded the titles of the land owners. On September 8th the property owners submitted a citizen's petition which is this article in order to resolve this issue. On September 20th the owners of lots C & D contacted the Acting Town Manager to discuss the petition. On October 6th the lots owners and Paul Flannery met with the Acting Town Manager. On October 7th there was a site walk of the lots. Barbara and Wesley Malowitz owners of Lot A addressed the body. They said that they purchased the lot of 2100 square feet more or less on December 29, 2003m from Alice and Robert Osborne it is recorded with the Middlesex North Registry of Deeds and they have been paying the taxes since then. Gloria Clancy owner of Lot B which is 502 sq ft explained how she purchased the land from Alice Osborne in November of 2003. She has a recorded deed. In October 17, 2005 she learned that the Town Representatives had voted under Article 11 to convey this property to the Town of Chelmsford. Mr Flannery had approached the Town and offered $10,000 as a bid of interest. In February of 2006 she received an abatement slip and a copy of the record showing that the Town of Chelmsford was the owner of record. A notice to bid package was sent out to herself and other abutters. Kevin Newton explained how he and his wife Robyn purchased Lots C and D in addition to the property of 15 Russell Rd which totals 14,149 sq ft, in July of 2001. It is recorded with the Middlesex North Registry of Deeds. They have refinanced twice and had three title searches done since purchasing the lots. The original was done in 2001, then again in 2002 and the last done in 2005. At all times they were shown to be the record owners. If

they were to loose this property they would loose their parking spots, garden shed and half of their front yard. He said that the Town has been accepting payment and collecting taxes on this property for the last fifty years. The last to speak was Ed Madden. He and his wife Barbara (Baran) are the record owners of 16 Russell Road (which is Lot E) and lot 4 and 4A. Lots 4 and 4B had been in his wife's family since 1953. In 1966 his in-laws brought Lot E from the Town. In 1996 he and his wife purchased from the estate of her mother Helen Baran all three lots. They are the current record owners and have been paying taxes since 1966. He asked for support of this article. Christopher Garraghan asked for copies of the deeds so that descriptions can be viewed. Kevin Newton said they did however, the earlier deeds are vague. Ed Madden said that he had met with the former Town Manager in the spring, after the Town Meeting and gave him copies of all of these deeds with the understanding that a solution would be found. Christopher Garraghan asked if legal opinion had been sought. Ed Madden said that he hadn't however, the other deed owners had. He felt that he had the deeds and that he has been paying taxes over the years, he felt that he shouldn't have to go beyond that to show legal ownership. Kevin Newton asked that the Representatives refer to their packets for this information. Karen DeDonato questioned the size of the parcels. Kevin Newton showed a colored diagram that showed the lots. Susan Carter questioned the amount of taxes paid over the years. John Kurland asked what the purpose of this article was. Kevin Newton said that the deed holder are seeking that the Town would convey all the Town's rights and interest to these lots through a quick claim deed for $1.00 so the owners would not have clouded titles. Sheila Pichette asked if these owners had legal title. Kevin Newton said the owners believed that they did as well as their lending institutions. He didn't think any bank would issue any mortgage if there was not a clear title on the properties. She questioned why the Manager approached the owners if he felt that there was a problem with the land. He said that any information about this situation was a result of the deed holders questioning the ownership. In fact there are various records in the Assessors office that show a number of maps with different information regarding these parcels. The Finance Committee recommends the article. The Board of Selectmen said they would reserve their decision until after Town Counsel speaks. Christopher Garraghan asked for Town Counsel's opinion. Counsel said it is a difficult situation. He explained the process. He stressed that everything that had been done, was in accordance to the law. He felt that there are defects in the article regarding conveyance for $1.00 and asking the BOS to do so was wrong. This has to go through the public bid process and the BOS can't be compelled to act on something only authorized to do so. In order to provide opinions of title to guide town meeting would be extremely expensive. It is a muddy situation. It would probably exceed the value of the parcels. In his opinion it would be up to the individual owners to obtain their own legal counsel to do a title search. The Town has not asked for him to do independent title search. Samuel Poulten and Karen DeDonato spoke in favor of the article. Peggy Dunn spoke in favor of the article. She wanted to know if this article could be amended to correct the wording. Counsel explained that the Selectmen have to go through the process as stated under Chapter 30B. They can not be authorized to sell it to specific individuals. The article is not in proper form. If passed as written it would constitute authorizing the Selectmen to sell but not mandate to do anything. If they did decide to sell the parcels in his opinion they would have to comply with Chapter 30B before they could do that. Mary Tiano spoke about the process. She felt that it's not right that the Town can sell land that they are not sure that they owned. The owners shouldn't have to pay to show that they if fact own it. Jodi O'Neill questioned what would happen if this passed. Legally could it cause more problem?. Town Counsel explained that if the Town would convey any interest it would be through a quick claim covenant. If this was to be conveyed without going through the

30B process it could be challenged by any ten taxpayers. Jodie O'Neill spoke in favor of the article because they people have been paying taxes over the years. Kate Torres moved the question. The Moderator asked for a vote by way of a show of hands. Motion carried. The Moderator asked for a show of hands on the article. He declared that the **motion carried**, by recognizing the 2/3's vote by-law. The article reads as follows:

Gary Matthews moved that the Town vote to transfer to the Board of Selectman for the purpose of conveyance and to authorize the Board of Selectman to convey to the current taxpayer and deed holder of record, in accordance with Massachusetts General Laws Chapter 20B, for consideration of $1.00, all right title and interest if any held by the town in all certain parcels of land located and identified on Russell road, as shown in Lots A, B, C, D, and E on a plan entitled "Approval Not Required Under Subdivision Control Law" as surveyed by Richard L. Monahan-Registered Land Surveyor and recorded in the Middlesex North Registry of Deeds in Book 112, Page 9 and further described as:

- **Lot A** on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as Lot 1 on Assessor's Map 12, Block 38 containing 2,100 square feet, more or less;
- **Lot B** on a plan recorded in the Middlesex North Registry of Deeds in Book 1435, Page 72; and further identified as Lot 2 on Assessor's Map 12, Block 38 containing 506 square feet, more or less;
- **Lot C** on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; identified as 8109 square feet, inclusive of a strip of land on the southwesterly side of said Russell Road, directly across said Road from above described parcel and lying between said parcel and Freeman Lake containing 375 square feet, more or less. Said lot is further identified as Lot 8 on Assessor's Map 12, Block 29 containing 8109 square feet, more of less.
- **Lot D** on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as Lot 3 on Assessor's Map 12, Block 38 containing 940 square feet, more or less;
- **Lot E** on a plan recorded in the Middlesex North Registry of Deeds in Book 112, Page 9; and further identified as 5 on Assessor's Map 12, Block 38 containing 1,080 square feet, more or less;

Selectman Eliopoulos moved to adjourn the Town Meeting to 7:30 PM Monday October 23rd at the Senior Center. The Moderator asked for a vote on the motion to adjourn. Motion to adjourn, **motion carried, unanimously**. The meeting adjourned At 11:30 PM.

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

ADJOURNED ANNUAL
FALL TOWN MEETING
October 23, 2006

The Adjourned Town Meeting was called to order at 7:30 PM at the Senior Center, on Groton Road. The Moderator then recognized the presence of a quorum. There were **133** Town Meeting Representatives present. Attorney Lauren Goldberg from Kopleman and Paige was the Town Counsel for the evening. The Moderator made an announcement regarding the upcoming League of Women voters Candidate night. It is to be held at 7 PM on Wednesday November 1st in the community room at the Police station. He also said that campaign buttons are considered a form of speech and not appropriate regarding any of the Town Meeting issues and asked that they be removed.

The Moderator began reading Article 13 when Thomas Moran made a point of order he questioned why the Moderator didn't begin the meeting with the Pledge of Allegiance. The Moderator said that he had begun the meeting with the Pledge on October 16th. Thomas Moran said it should be done at each session because that is how it was voted. The Moderator said that he opens the meeting with the Pledge which is the first night of Town Meeting. He finished reading the article.

UNDER ARTICLE 13. Kerry A. Speidel Acting Town Manager moved that the Town vote to authorize the establishment of a revolving fund under Massachusetts General Law C.44, Section 53E ½ for the Town Clerk for Fiscal Year 2007. The receipts to be credited to the fund shall be from the collection of fees from rabies clinic, pound and adoption fees. The Town Clerk shall be authorized to spend money from the fund for the purpose of providing improvements associated with the dog pound and programs and expenses associated with the licensing of animals during Fiscal Year 2007. Expenditures from the program shall be limited to $25,000 during Fiscal Year 2007.

The Acting Town Manager explained that this is to establish a revolving dog fund with the fee's approved by the Board of Selectmen this past August. It is a new revolving fund and will require a yearly vote. The money from these fees would be used to help fund improvements at the pound and provide programs to aide the licensing process. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

UNDER ARTICLE 14. Dwight Hayward moved that the Moderator waive the reading of the motion. The Moderator asked for a show of hands on the motion**, motion carried.** Town Clerk Elizabeth Delaney explained the purpose of the article. She gave a history of the dog by-law. It was established in 1986 as a direct result of the Town leaving the control of Middlesex County regarding the licensing of dogs. Over the years the by-law has been amended very few times, mostly in the area regarding licensing fees. In February the Dog Officer retired, new personnel came on board and the position is now officially known as the Animal Control Officer. A decision was made to revamp the by-law in order to address certain areas of concern. The areas of amendments are either

struck through or bolded. Anything else is untouched and is the current dog by-law that is in effect. She asked for support of the article. Dennis Ready questioned where the money for the fines will go. As they have always gone, into the general fund. Only the monies taken in for fees such as adoption or pound fees will go into the revolving dog fund. Theresa Conrad questioned the barking area. What is the purpose and how did the length of time come up. The Town Clerk explained that currently the Town says barking is a nuisance and has nothing to be able to really enforce. This would allow enforcement and a fine if necessary. By looking at other towns by-laws this seemed to be the average time allowed for barking. There was concern expressed about automatically fining the dog owner. This won't be the case. The Animal Control Officer will check out the situation and more then likely issue a warning first. If it is reoccurring a fine will be issued. Kathleen Tubridy questioned why only dog waste and not cat or horse waste being addressed. The Town Clerk explained that this is concerning rules and regulations regarding dogs. There are no by-laws regarding cats or horses. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. Theresa Conrad expressed concern regarding that neighbors could just call in and complain. The Town Clerk explained that the purpose of this is for common sense. Again it will be at the discretion of the Animal Control Officer he will review the complaint and make a determination. If the Body wanted to make it stronger she had no problem with doing so. She felt that this was at least a start to try and work with dog owners and neighbors. Ralph Nebalski moved to amend the by-law by adding the following wording under the Barking Section 11-7 sect 2 . Dog owners or caretakers shall not allow excessive or untimely barking, howling, crying or scratching by their dogs which disturbs the peace and quiet of any neighborhood. Excessive barking is defined for the purposes of this section as barking for over 30 minutes. He too had checked surrounding town's by-laws and found them to be basically the same. In some instances they had common wording regarding barking and the length of time. He felt that if a situation occurs at 1 AM fifteen minutes can be excessive so by adding the word untimely he felt that this would address that issue. The Moderator asked if there was any debate, hearing none he asked for vote by way of a show of hands on the motion to amend**, motion carried**. The Moderator asked if there was any need to hear further debate. Hearing none, he asked for a vote by way of a show of hands. The **motion carried, unanimously.** The by-law reads as follows:

Kerry A. Speidel Acting Town Manager moved that the Town vote to amend the General Bylaws, Chapter 11, Animals, Article 1, Dogs, to include: replacing all references to "Dog Officer" with "Animal Control Officer;" requiring dog owners to pick up dog waste and to prohibit their dogs from running at large and barking excessively; and by amending the penalties for failure to comply with the Bylaw, (text to be inserted is **bolded** and text to be deleted is shown by strikethrough).

Chapter 11: ANIMALS

ARTICLE I Dogs [Adopted 5-5-1986 ATM by Art. 17]
§ 11-1. References to Massachusetts General Laws.

Any reference to a section number in this article shall mean Chapter 140 of the Massachusetts General Laws, unless otherwise stated.

§ 11-2. Definitions.

A. Unless otherwise set out in this article, any term defined in § 136A shall have the same meaning in this article and shall be expressly incorporated herein.

B. As used in this article, the following terms shall have the meanings indicated:

AT LARGE — Off the premises of the owner and not under the control of the owner or authorized escort either by leash, cord, chain or otherwise.

LICENSE PERIOD — From January 1 of each year to December 31 of the same year.

OWNER — Any person or persons, firm, association or corporation owning, keeping or harboring a dog owned or kept in the Town.

§ 11-3. Registration and license. [Amended 11-30-1987 STM by Art. 13]

A. A person who at the commencement of a license period is, or who during any license period becomes, the owner or keeper of a dog six months old or over which is not duly licensed, and the owner or keeper of a dog when it becomes six months old during a license period, shall cause it to be registered, numbered, described and licensed until the end of such license period, and the owner or keeper of a dog so registered, numbered, described and licensed during any license period, in order to own or keep such dog after the beginning of the succeeding license period, shall, before the beginning thereof, cause it to be registered, numbered, described and licensed for such period. The registering, numbering, describing and licensing of a dog shall be done in the office of the Town Clerk on a form prescribed and supplied by the Town Clerk and shall be subject to the condition expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock or fowls.

(1) The Town Clerk shall not grant such license for any dog unless the owner thereof provides the Town Clerk with either a veterinarian's certification that such dog has been vaccinated in accordance with the provisions of § 145B or has been certified exempt from such provision as outlined in § 137 or 137A or a notarized letter from a veterinarian that a certificate was issued or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

(2) The owner or keeper of a licensed dog shall cause it to wear around its

neck or body a collar or harness of leather or other suitable material to which shall be securely attached a tag in a form prescribed by and issued by the Town Clerk when a license is issued. Such tag shall state the following: Town of Chelmsford, year of issue and tag number. If any such tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the Town Clerk at a cost of $1. This subsection shall not apply where it is otherwise provided by law, nor shall it apply to a person having a kennel license.

B. The provisions of §§ 138 and 138A shall be expressly incorporated under this article

C. A license duly recorded shall be valid throughout the commonwealth, except that, in the case of the permanent moving of a dog into the Town, the owner or keeper thereof shall, within 30 days after such moving, present the original license and tag of such dog to the Town Clerk, and said Town Clerk shall take up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon payment of $1. The provisions of this article relative to the form and furnishing of licenses and tags shall apply to licenses and tags issued under this subsection.

§ 11-4. Kennel license.

A. Any person maintaining holding a kennel license **shall have a kennel license shall maintain the kennel in a sanitary and humane manner.**

B. Any person who meets any requirement of the Town of Chelmsford bylaws and § 137A may obtain a kennel license from the Town Clerk on a form prescribed and supplied by the Town Clerk and for a fee as set out in § 11-5 of this article. The Town Clerk shall, upon application, issue without charge a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse for the relief of suffering among animals.

C. The provisions of § 137B shall be expressly incorporated under this article.

D. The Chief of Police or ~~Dog Officer~~ **Animal Control Officer** may at any time inspect or cause to be inspected any kennel and, if in his or her judgment the same is not being maintained in a sanitary and humane manner or if records are not properly kept as required by law, shall file with the Selectmen a petition setting forth the facts, and the Selectmen shall, upon this petition or upon a petition of 25 citizens setting forth that they are aggrieved or annoyed to an unreasonable extent by one or more dogs at a kennel maintained in Town, because of excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance, within seven days after the filing of such petition, give notice to all parties in interest of a public hearing to be held within 14 days after the date of such notice. Within seven days after such public hearing said

Selectmen shall make an order either revoking or suspending such kennel license or otherwise regulating said kennel or dismissing said petition. Within 10 days after such order the holder of such license may bring a petition in the District Court as outlined in § 137C. Any person maintaining a kennel after the license therefore has been so revoked or while such license is so suspended shall be punished as set forth in § 11-18 of this chapter. The Selectmen may, in the case of any suspension, reinstate such license.

E. The provisions of § 137D shall be expressly incorporated under this chapter.

F. All kennels shall be limited to a total of 25 dogs to be maintained on said premises. It shall be a violation of this article to have any dogs on said premises over and above said number. [Added 11-30-1987 STM by Art. 13]

§ 11-5. License fees. [Amended 12-8-1986 STM by Art. 1; 11-30-1987 STM by Art. 13; 6-4-1990 ATM by Art. 12; 10-1-1990 ATM by Art. 11; 10-28-1991 ATM by Art. 19; 4-29-2002 by Art. 12]

A. The fee for every dog license shall be $15 for every neutered male dog, $15 for every spayed female dog and $15 for every male and female dog.

B. Determination of licensing eligibility, dogs not required to be licensed or refunding license fees shall be determined as set out in § 139.

C. The fee for every kennel license shall be as follows:
(1) For every kennel license for four dogs or fewer: $50.
(2) For every kennel license for over four dogs but not over 10 dogs: $100.
(3) For every kennel license for over 10 dogs but not over 25 dogs: $200.

D. All fees shall be increased by $5 on the first day of the second month following the required licensing period, as outlined in § 11-3A of this article, and by an additional $5 on the first day of each succeeding month up to June 30 each year.

E. In addition to all other sums due and owing for any license fee hereunder, a person who applies for a license hereunder shall be obligated to pay all prior amounts of license fees determined to be due and owing by the Town Clerk pursuant to this article for past periods in which said person was obligated to obtain license. It shall be a violation of this article to fail to pay any said sum due hereunder. This remedy shall be cumulative.

§ 11-6. ~~Dog Officer~~. Animal Control Officer

A. The Town Manager shall annually appoint a ~~Dog Officer and as many Assistant Dog Officers~~ **Animal Control Officer and as many Assistant Animal Control**

Officers as the Town Manager determines necessary to enforce this article, and said individual(s) shall enforce this article and perform such other duties as the Town Manager may determine. The Town Manager shall determine hours and conditions of work for the ~~Dog Officer(s)~~. **Animal Control Officer (s).** Compensation for persons appointed under this article shall be consistent with other bylaws dealing with salaries of appointed officials. [Amended 10-15-1990 ATM by Art. 18]

B. The provisions of §§ 151 and 151A regarding killing and/or transfer of any dogs shall apply and are expressly incorporated in this article. No ~~Dog Officer~~ **Animal Control Officer** shall be a licensed animal dealer registered with the United States Department of Agriculture, and no ~~Dog Officer~~, **Animal Control Officer**, either privately or in the course of carrying out his or her official assignments as an agent for this Town, or any other agent of the Town shall give, sell or turn over any animal which may come into his or her custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. Whoever violates the provisions of this subsection shall be punished as provided in § 151.

§ 11-7. ~~Running at large; nuisances~~. **Nuisances; Every owner or keeper of a dog shall exercise proper care and control of their dog so as to prevent said dog from becoming a public nuisance.**

1 Running at Large

~~A~~ No owner or keeper of any dog shall permit such dog to run at large at any time. The provisions of this section shall not be intended to apply to dogs participating in any dog show, nor to Seeing Eye dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under control of and aiding the deaf, nor to any dogs being trained or actually being used for hunting purposes.

2 Barking

Dog owners or caretakers shall not allow excessive or untimely barking, howling, crying or scratching by their dogs which disturbs the peace and quiet of any neighborhood. Excessive barking is defined for the purposes of this section as barking for over 30 minutes.

3 Dog Waste Removal

A person owning or having the care, custody, or control of any dog shall not permit such dog to soil or defile or commit any nuisance upon any sidewalk, street, thoroughfare, beach, bike path, park/common or wetland, in or upon any public property or in or upon the property of persons other than the owner or person having the care, custody, or control of such dog, unless said person picks up any such waste and disposes of same in a sanitary manner. ~~Every owner or keeper of a dog shall exercise proper care and control of their dog so as to prevent said dog from becoming a public nuisance. It shall be deemed a public nuisance if any dog should trespass upon public or private property and~~

~~deposit feces thereon, unless said feces are immediately removed by the owner or keeper of said dog.~~

~~B~~

4 Nothing contained in the foregoing subsection shall prevent the Board of Selectmen from passing any orders authorized by Massachusetts General Laws or by G.L c 140, § 167 at such times as the Board shall deem it necessary to safeguard the public.

~~C.~~ **Former wording has been moved within this section or eliminated**

§ 11-8. Impoundment. [Amended 10-21-1999 ATM by Art. 35]

~~The Dog Officer~~ **Animal Control Officer** shall seek out, catch and confine any dog within the Town that has not been licensed with 60 days of the time the dog is required to be licensed under this article and shall seek out, catch and confine any dogs within the Town that are found on public property, or on private property where said dog is trespassing and the owner or person in control of such property wants the dog removed, said dogs being in violation of this requirement of this article, and shall seek out, catch and confine any dog within the Town when said dog was cited for a violation of any provision of this article and the owner or keeper has failed within 21 days to avail himself or herself of § 11-16 or 11-17 of this article or, within 21 days of a determination by the court under the provision of Chapter 1, General Provisions, § 1-2 of the Code of the Town of Chelmsford that any sums are due, has failed to pay said sums.

§ 11-9. Disposition.

Any dog confined by the ~~Dog Officer~~ **Animal Control Officer**, unless picked up by the owner, shall be kept for at least 10 days, at which time said dog may be disposed of in a manner determined by the Board of Selectmen, provided that at the end of 10 days the ~~Dog Officer~~ **Animal Control Officer** may make available for adoption any male or any spayed female dog not found to be diseased. Any dog confined by the dog officer shall not be released to the owner until the owner produces evidence of a current dog license and pays a sum of ~~$10 per day~~ **as voted by the BOS pursuant to MGL Chap 40 Sec 22F** for care of the animal, each day or part of a day counted as one day. For any dog adopted under this section, a fee ~~of $10~~ **as voted by the BOS pursuant to MGL Chap 40 Sec 22F** shall be charged, and said dog shall be licensed before adoption. Any fees in this section are to be in addition to fees or fines as specified elsewhere in this article and/or under Massachusetts General Laws. No dog shall be turned over or sold in any manner inconsistent with § 151 or disposed of inconsistent with the provisions of § 151A.

§ 11-10. Emergency treatment.

Any veterinarian registered under the provisions of MGL c. 112, § 55 or 56A who provides emergency treatment of a dog or cat that is injured on any public way in Chelmsford shall receive, in lieu of payment from the County Dog Fund as allowed in § 151B, payment from the **Revolving** Dog Fund. ~~provided for under this article~~. All other

provisions of § 151B shall be incorporated herein under this article.

§ 11-11. Damage caused by dogs.

A. Whoever suffers loss in a manner described in § 161 shall inform the ~~Dog Officer~~ **Animal Control Officer** of such loss, who shall investigate the circumstances of said loss. In the event it is found that the damage was caused by a dog and the estimate of damages by the ~~Dog Officer~~ **Animal Control Officer** is less than $50, the ~~Dog Officer~~ **Animal Control Officer** shall submit a report to the Board of Selectmen. If the estimate is over $50, the ~~Dog Officer~~ **Animal Control Officer** shall have the damage appraised on oath by three persons, one person appointed by the ~~Dog Officer~~ **Animal Control Officer**, one appointed by the person alleged to be damaged and one appointed by the other two. Said appraisers shall act as outlined in § 161 and turn in said appraisal to the Board of Selectmen, which may authorize payment or make such independent investigation as it thinks proper and shall issue an order upon the Town Treasurer-Collector for any amount as it decides to be just and shall notify all interested parties of its decision. The appraisers shall receive payment from the Town in a manner as is authorized in § 161. All funds expended under this section shall come from the **Revolving** Dog Fund. [Amended 10-21-1999 ATM by Art. 31]

B. The obligations and liability of the Town and the Town's agents, servants, employees and/or elected officials hereunder shall be limited to $100 per animal and $500 per residence per fiscal year. This shall not limit the Town's remedies and rights to seek compensation in excess of said amount pursuant to this article. [Added 11-30-1987 STM by Art. 13]

C. The Selectmen may appoint a temporary investigator in any case that the Board believes in its reasonable discretion requires further investigation, and if said investigator believes that the evidence is sufficient to sustain an action against the owner or keeper of the dog, the investigator shall recommend to the Board of Selectmen that said action be brought, unless the owner or keeper before action is brought pays him or her such amount in settlement of the damages as he or she deems reasonable. After the recommendation of the investigator, the Selectmen may order that action shall be brought in his or her own name or in the name of the Town of Chelmsford, or both, as the Selectmen determine.

D. If the Selectmen determine, after notice to parties interested and a hearing, who is the owner or keeper of any dog which is found to have worried, maimed or killed any livestock or fowls, thereby causing damages for which their owner may become entitled to compensation from the Dog Fund under this article, they shall serve upon the owner or keeper of such dog a notice directing him or her within 24 hours to kill or confine the dog. A person who owns or keeps a dog and who has received such notice and does not within 24 hours kill such dog or thereafter keep it on his or her premises or under the immediate restraint and control of some person shall be punished as provided in § 11-18 of this article, and any police officer, constable or dog officer may kill such dog if it is found outside of the enclosure of its owner or

keeper and not under his or her immediate care.

E. The Board of Selectmen, or its agents thereto authorized in writing, may, after written notice to the owner or keeper, enter upon the premises of the owner or keeper of any dog known to the Board to have worried or killed livestock or fowls and then and there kill such dog, unless such owner or keeper whose premises are thus entered for said purpose shall give a bond in the sum of $200, with sufficient sureties, approved by the Board of Selectmen, conditioned that the dog shall be restrained for 12 months next ensuing, and if the owner or keeper of the dog declares his or her intention to give such a bond, said Selectmen or their agents shall allow him or her seven days, exclusive of Sundays and holidays, in which to procure and prepare the same and to present it to them or to file it with the Town Clerk.

§ 11-12. Liability for damages.

The owner or keeper of a dog which has done damage to livestock or fowls shall be liable in tort to the Town for all damages so done in which the Town has been requested to pay as provided by MGL c. 140 or by this article. Such action may be brought by the Board of Selectmen or by a temporary investigator as authorized in § 11-11 of this article.

§ 11-13. Reward for killing dog.

The provisions of § 162 regarding the rewards for killing a dog shall be incorporated herewith, with said funds being paid from the **Revolving** Dog Fund.

§ 11-14. Ordering dogs to be muzzled or restrained.

All the provisions of § 167 shall be incorporated into this article, except that any dog held under the provisions of § 167 may not be released until all the requirements of this article regarding licensing and the fee for care of the animal are complied with. All other provisions of § 167 shall be incorporated herein.

§ 11-15. Citations.

Any person authorized to enforce the provisions of this ~~article~~ **Chapter 11, Animals, Article 1, Dogs,** shall, in addition to any pickup of the dog pursuant to this article, issue a citation to the owner or keeper of any dog violating the provisions of ~~§ 11-17 ,Running at large~~ of this article. Any such citation shall include, in addition to the violation charged, the name and address of the owner or keeper of the dog, the date and time and location of the alleged offense and the amount of the penalty due. Said citation shall be on a form prescribed by and furnished by the Town Clerk.

§ 11-16. Informal disposition process.

A. The owner or keeper of the dog that receives a citation under this article may,

within 21 days, confess to the offense charged personally or through a duly authorized agent or by mailing to the Town Clerk said citation along with payment in the amount as authorized under the penalty provisions of this article. Said payment shall be by postal note, money order or check. The payment to the Town Clerk shall operate as a final disposition of the case.

B. If such person when issued a citation desires to contest the violation through the informal disposition process, such person may, within 21 days of said issuance, request a hearing with the Town Clerk, or a hearing officer appointed by said Clerk, and may present either in person or by counsel any evidence he or she may have to refute the allegation contained in the citation. At such hearing, the Clerk or hearing officer shall make a determination as to facts of the allegation, and said determination shall be final regarding the informal disposition process.

§ 11-17. Non-criminal disposition.

If any person so notified by citation desires to contest the violation alleged in the citation notice without availing himself or herself of the provisions of the informal process or desires to contest the decision of the Clerk or hearing officer, he or she may avail himself or herself of the procedures established in Chapter 1, General Provisions, § 1-2 of the Code of the Town of Chelmsford. In either of the above cases, or if the owner or keeper of a dog fails to respond to the citation within 21 days, the Town Clerk shall forward a copy of the citation to the District Court, where it shall be handled under the provisions of Chapter 1, General Provisions, § 1-2 of the Code of the Town of Chelmsford.

§ 11-18. Violations and penalties.

The following penalties, except where indicated herein, shall be in effect for violations of the provisions of this article § 11-7 A

~~(1) Informal disposition process.~~

~~(a)Second offense in calendar year: $25.~~

~~(b)Third offense in calendar year: $50.~~

~~(c)Fourth or subsequent offense in calendar year: $100.~~

~~(2)Non-criminal disposition through Chapter 1, General Provisions, § 1-2 of the Code of the Town of Chelmsford.~~

~~(a)First offense in calendar year: $50.~~

~~(b)Second offense in calendar year: $100.~~

~~(c)Third or subsequent offense in calendar year: $150.~~

~~Penalties for violations of any other provision of this article shall be $100.~~

~~Each day of all said violations shall constitute a separate offense.~~

The following penalties shall apply for violations of Article 11. Any person who violates this section shall be subject to payment of the following fines:

Section	Violation	Penalty
11-3	Non-current dog license	$25.00
11-3(1)	Non-current rabies vaccination	$25.00
11-3(2)	Not wearing tag	$15.00
11-4D	Failure to maintain kennel in sanitary and humane manner	$50.00
11-7-2	Barking dog	$25.00
11-7-3	Failure to remove animal waste	$10.00

11-7-1 Running at large

(1) Informal disposition process:
- **(a) First offense in a calendar year $50.00**
- **(b) Second offense in a calendar year $75.00**
- **(c)Third and subsequent offenses in a calendar year $125.00**

(2) Non-criminal disposition
- **(a) First offense in a calendar year $75.00**
- **(b) Second offense in a calendar year $150.00**
- **(c) Third and subsequent offenses in a calendar year $200.00**

All other sections of Article 11 $100.00

Each day a violation exists shall constitute a separate offense.

~~§ 11-19. Dog Fund. [Amended 10-15-1990 ATM by Art. 18]~~ **Delete this section and renumber remaining sections.**

~~A. There shall be a Dog Fund established by the Town under the provisions of MGL c. 44, § 53E, which shall be used to make purchases necessary to administer this article and to pay any expenses relating to this article or for any other costs that Massachusetts General Laws require to be paid from the County Dog Fund. Said fund shall be administered by the Treasurer-Collector and may receive funds from usual municipal financing methods and from any fees or fines collected under this article. The Board of Selectmen shall determine a maximum amount that shall stay in said fund, with all additional funds being turned into the general fund.~~

~~B. The Board of Selectmen may determine certain salaries or expenses that may not be funded with this fund but must be appropriated through the usual municipal financing procedure, and such determination shall be binding on the administration of this fund by the Treasurer-Collector.~~

§ 11-~~20~~. **19** Anti-rabic vaccine and treatment.

The Board of Health shall, upon application, furnish free of charge to any resident who has been exposed to rabies or may have been so exposed anti-rabic vaccine and anti-rabic treatment, in accordance with rules and regulations which the Department of Public Health is authorized to make. Any resident shall have the right to select his or her own physician, who shall be paid by the Town at a rate established by the Board of Health, and the fact that a physician is a member of the Board of Health shall not disqualify him or her from being so selected and from being paid by the Town for his or her services. Reimbursement for the cost of furnishing vaccine and treatment, not exceeding $50 in the case of any one person, shall be made from the Dog Fund.

§ 11-~~21~~. **20** List of dog owners.
Persons authorized or directed by MGL c. 51, § 4 or by any special law to make lists of persons three years of age or older shall make a list of all dogs owned by the inhabitants of the Town at the time of making lists required under such section and return the same in duplicate to the Town Clerk on or before April 1. An owner or keeper of a dog who refuses to answer or answers falsely to persons directed or authorized to make a list of owners of dogs shall be punished by a fine of not less than $10.

§ 11-~~22~~ **21** Incorporation of statutory provisions.
The provisions of the following sections of Chapter 140 of Massachusetts General Laws shall be incorporated into and apply to this article: §§ 145B, 149, 155, 155A, 156, 157, 158, 159, 160, 161A, 168, 174A, 174B and 174D. Editor's Note: Original Sec. 23, Effective implementation date of this article, which immediately followed this section, was deleted 10-21-1999 ATM by Art. 35.

§ 11-~~23~~. **22** Severability.
If any part, section or provision of this article is found to be invalid, the remainder of this article shall not be affected thereby.

UNDER ARTICLE 15. The Acting Manager gave an explanation that this article came forward as a request on behalf of the property owner of Lot 71. She showed a plan of the area in question. The history is that lot 71 and lot 73 were at one time owned by the same family. Because of this access to and from was by way of a concrete driveway and not an issue. Due to a change in ownership of Lot 71 the owner of Lot 73 denied access through his lot to Lot 71. Gary Bevis the new owner of Lot 71 has come before the BOS requesting that he be granted an access easement over Town owned land in order to get into his property. She said that the DPW Engineer and Gary Bevis would answer any questions. James Comeau questioned how could a access be granted twenty-five feet from the lake. Did the Conservation Commission approve of this plan? Gary

Bevis said that they had. Robert Joyce questioned the size of Gary Bevis's lot. It was 16,000square feet. Thomas Fall asked if a two family house could be built there. No it could not. George Merrill questioned if the plan that was shown tonight is voted could it be modified at another date and time by the BOS. Town Counsel Lauren Goldberg said no, it could not. She explained that the plan shown also shows the placement of the easement. The Moderator asked if the Finance Committee had a recommendation. No they did not. The Board of Selectmen recommended the article. Richard Day questioned why the access wasn't coming in off of Pillings St. Gary Bevis said that Pillings Street was basically a 180 foot paper street, which has over the years has fallen into the lake. He did get a price for the possibility of reconstructing the road and the cost would be about $100,000 to $150,000. Attorney Goldberg made a clarification to what she said earlier. This would be the largest size easement that could be granted. The BOS would have to work within the footprint of the easement. If they decided to narrow it, if appropriate, then they could make it smaller. Or the BOS could grant a non inclusion easement. The Town could use the property for purposes it wanted to but this must be documented it in the real estate documents. George Merrill said that the owner should be able to have access into his property. However, he wanted to remind the Body that even though this is Town owned land and it didn't seem to matter that this little portion be used as access it is important to hang on to it. There is a historic factor connected to it because of the location of the canal and dam to it. This canal is what fed the mills in the 1800's and is part of the history and development of North Chelmsford. If an access can be built without destroying the historic asset, then fine. The public uses this area as a boat ramp and fishing area, it's one of the few public accesses to the lake. It's the only practical access for emergency use by the Police and Fire Departments. Also it could be used in the future to house a Hydro Electric Plant. George Merrill then moved to delete the last sentence in regards with the wording about the plan from the article. This would allow the BOS to consider where the right of way would appear and not be locked into this particular spot shown on the plan. Selectmen McCall said this might broaden the scope of the article and may not be considered. Attorney Goldberg said it would definitely expand the scope and that the Moderator may rule it out of order. She understands that the purpose is to allow the BOS additional discretion to move or place the access. Peter Dulchinos questioned way the Town couldn't allow permission rather then grant an access. Once access is given it can't be taken back. George Merrill said he would amend his motion to what ever Town Counsel suggested as long as it would allow the BOS the choice of where the access would go. After consulting with Town Counsel the Moderator said that George Merrill moved to amend his motion to amend by adding the following words after "Shore Drive". "To provide access to Lot 71 and 73". The Moderator asked if there was any discussion. Hearing none he asked for a vote by way of a show of hands. **Motion carried**. He then asked if there was any discussion on the motion to amend as amended. Hearing none he asked for a vote by way of a show of hands. **Motion carried**. He asked again if there was any need to hear further discussion on the main motion as amended. Hearing none he asked for vote by way of a show of hands. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote by-law. The article reads as follows:

Kerry A. Speidel Acting Town Manager moved that the Town vote to transfer to

the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined an easement over a portion of a certain parcel of land on Shore Drive. To provide access to Lots 71 and 73.

UNDER ARTICLE 16. Kerry A. Speidel Acting Town Manager moved that the Town vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, properties located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans on file in the Office of the Community Development Director entitled "Manhole and Ductline Installation, Chelmsford Conduit Project, Chelmsford, Massachusetts" dated April 12, 2005 revised July 22, 2005 and incorporated herein by reference, for the purpose of locating manholes, transformers, switching gear, hand holes, and other equipment necessary for the depression of utilities in the Chelmsford Center area, as approved by Article 11 of the October 19, 1998 Annual Town Meeting, Article 10 of the October 21, 2002 Annual Town Meeting, Article 11 of the October 21, 2002 Annual Town Meeting, and to raise and appropriate $10,000 for said acquisitions; and to authorize the Selectmen to convey easements to Verizon, Comcast, and National Grid, or their respective successors, in order to effectuate the location of equipment necessary for the depression of utilities in the Central Square are; and furthermore to convey said parcels back to the original landowners after the conveyance of said easements.

Andrew Sheehan Community Developer Director explained that the body had approved a project in 1998 to put all the utilities in the center under ground. There will be three companies involved with the project. Comcast, Verizon, Mass. Electric. They each require what is known as a handhole. The ones for Comcast and Verizon are about 17 inches by 30 inches and 24 inches deep. The Electric one is twice the size roughly 3 feet by 6 feet. These handholds are set in the ground with only the top being visible. The easement itself runs about 200 to 400 square feet and is located in the front of the property by the street. He explained that he had the amount of money collected since approved for Verizon and Mass Electric. There were no figures available from Comcast and he assumes that because of this the company has not yet assessed the customers. The amount of money collected through December 31, 2005 has been for Verizon $678,863 minus $609,579 with a balance of $69,284. Mass Electric has collected $3,090,128 minus $411,765 leaving a balance of $2,678,363. The expenditures that both companies have are in regards to permits, engineering design, consultants, and project management. In the last couple of years, the utility companies have obtained all but fifteen of the eighty-five necessary easements for the project. The companies said they will not begin construction or go out for bid for construction until 100% of the easements are obtained. They have identified the parcels that need the easements and the Selectmen will begin the process of obtaining them in order to proceed with the project. Utilities do not have right to take easements for this project so it's up to the Town to do so. In order to payment for these easements will the money come from what has been collected. No from the monies mentioned in the article. Marian Paresky questioned the easement process. Will notice be given. Yes it will. These property owners have already been notified. Robert Joyce wanted to know who is overseeing the money already collected. Town Counsel

explained that the Department of Energy and Technology through the State monitors this. Information can be obtained through the public record law. Robert Joyce then asked that a report be given in the Spring by the utility companies. Andrew Sheehan said that he could or the Town Manager could. Once the easements are obtained then the project can go out to bid over the winter and the construction could start in the Spring. Once started the amount of money shown as a balance will be exhausted at a rapid pace. Peggy Dunn questioned of the non respondents, are they dwelling or businesses owners. Mostly business owners. Questioned if Mass Electric knows where the handholds will be located on the property. Yes it is on the plan. More questions were asked. The Finance Committee and the Board of Selectmen both recommended the article. A discussion took place. Peggy Dunn questioned concern about the pole with a transformer it located in front of her property being replaced by having a "big green box" put on her property. She asked if she could view the project plans. Yes she could. Frances McDougall moved the question to stop debate. The Moderator asked for a vote by way of a show of hands. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote by-law. He then asked for a vote by way of a show of hands on the article. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote by-law.

UNDER ARTICLE 17. Selectman Michael F. McCall moved that the Town vote to accept, for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of G.L. c.39, §23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions as established by said statute are met.

This statue was adopted by the legislation over the summer. It applies mostly to the Board of Appeals, Planning Board and Conservation Commission; however, it could affect other boards as well. Right now if a member misses any session of the public hearing then they can not vote at the conclusion of the hearing. This wastes everyone's time. This would allow them to miss only ONE hearing and then catch up via notes, video etc. sign a affidavit saying that they were brought up to speed, then be able to participate in the final vote. The Finance Committee was in favor of the article. The Board of Selectmen was in favor of the article. The Moderator asked if there was any need to hear debate. Hearing none, he asked for a vote by a show of hands. **Motion carried, unanimous.**

UNDER ARTICLE 18. The Moderator explained that this article was not going to move forward. He had no motion to act on. The wording of the article was:

To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article XX Terminology, Section 195-108 Word Usage and Definitions, by amending the definition of Lot Area by deleting the words: "When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet. See accompanying diagram below." and

the accompanying diagram, and inserting in place thereof the following: "In the RA and RB Single Residence Districts a lot shall contain a circle with a minimum diameter of 125 feet, which circle shall fit wholly within the boundaries of the lot but may touch the boundaries of the lot, shall contain no wetlands, and within which shall be accommodated not less than 80% of the principal structure."; or act in relation thereto.

UNDER ARTICLE 19. Charles Wojtas Chairman of the Planning Board moved that the Town vote I move that the Town vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article V Off-Street Parking & Loading, Section 195-17 Minimum parking requirements, by deleting the term "net leasable floor area" where it appears and inserting in its place the term "net floor area".

Andrew Sheehan the Community Developer Director explained that there is an inconsistency with regards to the retail parking section. This was relevant to the use and definition of the terms Net leasable floor area and Floor area, net. The term of net leasable floor area is not defined in the zoning by-law. However it meets the same description as net floor area. By accepting this action this will update the by-law so it will be correct and avoid any further confusion. He asked that the Body support the change. The Moderator asked if there were any questions. Hearing none he asked for the various Board's recommendation. The Finance Committee was in favor as was the Board of Selectmen. The Moderator read the Planning Boards recommendation: The Chelmsford Planning Board held a public hearing on September 27. 2006 at 8:00 PM on the above mentioned article after publishing a legal notice in the Chelmsford Independent on September 7 and 14, 2006. Notice of the hearing was sent according to the requirements of MGL chapter 40A section 5. The Planning Board unanimously recommends in favor of the zoning by-law amendment. The vote was 7 in favor and 0 opposed. The Moderator asked if there was any need to hear debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 20. The Moderator explained that this article was not going to move forward. He had no motion to act on. The wording of the article was:

To see if the Town will vote to amend Chapter 195-3 Official Zoning Map, of the Chelmsford Zoning Bylaw by changing the zoning of 11 Billerica Road from RC, General Residence to CV Center Village, no manufacturing.

UNDER ARTICLE 24. Dwight Hayward moved that the Moderator waived the reading of the motion. The Moderator asked for a show of hands on the motion, **motion carried, unanimously**.

Arnold Lovering came forward and explained that he was the Chairman of the Charter Review Committee. He said that this committee was appointed by the Town Manager and the Selectmen in a joint fashion. There were nine members who met over the course of twelve months to review the Charter. It was an open process, they sought out public input. The members felt that the present Charter iis a strong document and did not need a major rewrite. What will be presented in the following articles will be cleaned up language, some improvements and some areas of significant change. The Committee

agreed that it was to be based on the long term effect when they talked about the changes; all discussions were to be independent of the current players. He further explained that Town Meeting is one step in the many step process. If these articles are voted favorably then they will go on the Spring Town Election ballot for final approval by the voters who will decide what will be the language of the Charter.

He continued by explaining that the purpose of this article is to allow the Selectmen to change the precincts to reflect the population of the community in the number of precincts that the Town has. There are State laws regarding this. However, if voted the Selectmen would have the control due to the specified wording in the Charter. The Moderator asked if there were any questions. Hearing none he asked for the Finance Committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Dennis Ready supported the article and felt that the Town needs to have this in place. The Moderator asked if there was any further debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**. The article reads as follows:

Selectman Michael F. McCall moved that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation amending the Town Charter as it relates to the Town Meeting Composition and the Establishment of Districts by changing the formula for adding and subtracting precincts and Town Meeting members as set forth below:

> AN ACT AMENDING THE CHARTEROF THE TOWN OF CHEMSFORD RELATIVE TO TOWN MEETING COMPOSITION AND DISTRICTS.

SECTION 1. The charter of the Town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out Section 2-1 and inserting in place thereof the following section:

> **Section 2-1. Town Meeting Composition**. "The legislative body of the town shall be a representative Town Meeting who shall be elected to meet, deliberate, act and vote in the exercise of the corporate powers of the town. Its membership shall in each precinct consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportion which the number of inhabitants therein bears to the total number of inhabitants in the town, and which will cause the total elected membership not to exceed one hundred eighty, but which will not exceed eighteen representatives per precinct. Members shall be elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year."

SECTION 2: Section 2 of said charter is hereby further amended by striking out from Section 2-2 the following: "(a) at least once in every ten years," and by

inserting in place thereof: "(a) at least once every ten years, to coincide with the publication of new state decennial census statistics,"

SECTION 3: Section 2 of said charter is hereby further amended by inserting at the conclusion of Section 2-2 the following: "The number of voting precincts shall be determined such that each precinct shall average not less than two thousand five hundred residents, and not more than four thousand residents."

SECTION 4: Section 2 of said charter is hereby further amended by striking out from Section 2-12 (b) the following: "Eighty-two" and inserting in place thereof: "A majority of",

SECTION 5. This act shall take effect upon passage.

Provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition.

UNDER ARTICLE 25. Dwight Hayward moved that the Moderator waive the reading of the motion. The Moderator asked for a show of hands on the motion, **motion carried.** Arnold Lovering explained that this article is concerning Town Meeting attendance. Currently a member must attend MORE than one half of the meetings held in a calendar year, or they are dropped as a Town Meeting Representative. This would create an open seat and the Representative could in fact run for it. However, before this is done there is an appeal process. The Representative could appeal his attendance and be excused therefore not losing the seat. It has been found that this appeal process is not working. Admittedly everyone is excused. Therefore the Committee felt that the appeal process should just be eliminated. The next clarification is that a session means each night that a meeting takes place on, not by the number of meetings held in a night. He asked for support of the article. Kathy Duffet questioned the fact that people leave early and do not attend a full session. Arnold Lovering said that this is not the purpose of the attendance portion of the Charter. It should be addressed within the Town Meeting process. Paul Gleason questioned in a year there are four meetings and if a Representative due to medical reasons misses two meetings then he or she could be dropped? Yes they could. And this would eliminate even a medical excuse? Yes it would. Marian Paresky questioned the filling of a vacancy due to the removal. The Town Clerk Elizabeth Delaney came forward and explained that process and how someone moves up the list. More questions were asked about the excuses. The Town Clerk explained it could be medical, sick child, sick parent, traveling etc. everyone who appeals the process feels that their excuse is important to them regarding their situation. Due to this it was asked by herself and the Moderator to just drop the excuse portion in its entirety and to back to the original wording of 1989. If a Representative missed a certain number of meetings then they are dropped and can run again in the Spring. At one time the Body did approve a change to the wording that the words more then half be dropped and just the word half appear in the wording. This was not approved by the Attorney

General because it did not go through the proper process of a Charter Review Committee for recommendation. Therefore he would not allow it to appear on the ballot. Dennis Ready questioned why then didn't the Committee approve this as an amendment instead of dropping the entire appeal process. He moved to amend the article with the following wording. By "striking out the words "more than". The Moderator asked for the Finance committee recommendation. The Finance Committee recommended the article. The Moderator asked for the Selectmen's recommendation. Chairman McCall said the Board recommended Dennis Ready's proposal to amend. The Town Counsel ruled this out of scope because it was amending a section of the Charter and the actual article was about deleting the section in its entirety. Samuel Poulten wanted to amend the article by inserting the after the words committee consisting of the Town Clerk, Town Moderator, Town Counsel "**and the Town Meeting Representatives of the members precinct.**" Town Counsel explained that this will not amend the appeal process, because the article is deleting the entire appeal process. Ann McGuigan spoke against the elimination of the appeal process. She felt that if a medical excuse is given then that should be considered, the person has no choice. A trip is considered a choice. The Moderator asked Town Counsel a question concerning certain words being eliminating that would still allow an appeal process. Karen DeDonato asked if the Committee was done as a Charter Review Committee. Arnold Lovering said that they were. She then asked if this article could be reviewed at another Town Meeting. She felt that it was too important an issue to the Representatives. The appeal process should be improved rather then have it eliminated entirely. The Moderator said that it would have to go through the entire review process again before it could come before the Body. Town Counsel agreed she explained that there are two ways these articles can be passed either through a special act of Legislation or through the Charter Review Committee then as a ballot question. The Selectmen felt that it was best to let these articles be voted on at Town Meeting then proceed to be put them on the ballot and allow the voters to make the final decision. Sam Poulten spoke against the article. He felt that people who are self serving for a greater cause would be removed and that the appeal process would avoid this. Glenn Thoren who was a member of the Charter Review Committee explained that the Committee had gone through the same series of questions and comments that the Representatives were citing. Everyone on the Committee had an opinion regarding what should be considered. He said that the excuse process isn't as easy as one may think. Once an excuse is made no matter what it is, a decision has to be made. Why should a Representative who has spent thousands of dollars on vacation plans made a year in advance be any different then a Representative who is legitimately sick. In the end, that is why the Committee felt it made sense to return to the original way the section was written and not have any appeal process. The Representative can run again and let the voters decide. Kathryn Torres moved the question. The Moderator asked for a vote by way of a show of hands. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote by-law. He then asked for a vote on the motion by way of a show of hands. **The motion was defeated**.

UNDER ARTICLE 26. Selectman Michael F. McCall moved that the Town vote to pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Part II, relative to the Legislative Branch and Representative Town Meeting, specifically in Sections 2-12(a) and 2-12(c), as follows:

- To amend the Town Charter, Section 2-12(a) relative to Town Meeting Procedures and Time of Meeting by striking in Section 2-12(a) the following phrases: "in April" and "in October".

- To amend the Town Charter, Section 2-12(c) relative to Town Meeting Procedures and the Duty of Town Meeting Members by striking in Section 2-12(c) the following phrase: "It is expected that"

Arnold Lovering explained that this article addresses the wording in the Charter of scheduling the Town Meeting. The current Charter language says April and October. The change would be to have it say spring and fall. There is a by-law already in place that specifies the actual dates when the Town Meetings are to be held. The Charter should be more generic and open. The purpose of the Charter is to say that the community wants a meeting in the spring and the fall. If the Community wants a specific date, it is a lot easier to change a by-law rather than the Charter. The next section in the article is regarding the Representatives being responsible for preparing themselves for the Town Meeting. The current wording says it is expected that" and put in the wording **will.** This would make it a proactive statement of the duties. The Moderator asked if there were any questions. Hearing none he asked for the Board's recommendations. The Finance Committee was in favor of the article. The Selectmen were in favor of the article. Jim Dolan questioned if this would affect the budget process of the School Committee. Kevin Porter said no it wouldn't. Dennis Ready questioned what would happen if Representatives didn't attend. No attendance will be taken, this is to set the duties of the Representatives. Frances McDougall questioned the wording, felt it was very vague. The Acting Town Manager said that the pre-town meeting would be a meeting that the Representatives could attend. Susan Carter who is a member of the Planning Board said that the pre town meeting is always held on a Planning Board night. A lot of the Representatives already are well informed and do prepare themselves but not by necessarily attending other meetings. More discussion took place. Steven Flynn questioned if an attendance record of the Representatives could be published in the paper. That way people would know who attended. A number of people spoke against the article. The Moderator asked if there was any need to hear further debate. Hearing none he then asked for a vote on the motion by way of a show of hands. The **motion was defeated.**

UNDER ARTICLE 27. Selectman Michael F. McCall moved that the Town vote to pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Part III, relative to the Elected Town Offices and the Appointment Powers of the Board of Selectmen, Section 3-2(c) by inserting the underlined text and deleting the strike-through text, as follows:

> "The Board of Selectmen shall appoint ~~a~~ Town Manager, a Town Counsel, ~~a~~ Town Accountant, Personnel Board, Public Celebrations Committee and a Board of Registrars of voters (but not including the Town Clerk). The Board of Selectmen shall also appoint all ~~such other~~ multiple member policy advisory

committees and may appoint ad hoc committees ~~bodies as may be~~ not specifically provided by bylaw."

Arnold Lovering said that this article would give the Board of Selectmen more authority then they currently have. This specifies and expands the appointments they would make along with policy and hoc committees. These added committees should be under them rather than the Town Manager. George Merrill asked what defines a multiple member policy advisory committees. Chris Garraghan questioned what were the duties of the Personnel Board. Jeanne Parziale explained that it is a five member board that reviews policy and classifications of the non union personnel. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to hear debate. He then asked for a vote by way of a show of hands. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote by-law.

Alex Buck moved to reconsider Article 25. He explained that he had wording regarding the attendance issue. The Moderator asked for a vote by way of a show of hands on the motion to reconsider. **Motion defeated**.

UNDER ARTICLE 28. Selectman Michael F. McCall moved that the Town vote to pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Part III, relative to the Elected Town Offices and the Investigative Powers of the Board of Selectmen, Section 3-2, by inserting a new section 3-2(e) to read as follows: **"(e) investigative Powers.** The Board of Selectmen shall have the authority to initiate investigations of town boards, committees, and personnel as deemed necessary."

Arnold Lovering said that this was submitted to the Committee by the Board of Selectmen. This would allow them to be able to have the ability to investigate on their part whether it is concerning ethics or personnel issues. According to Town Counsel this power is already allowed under statue. The Board of Selectmen felt it would be clearer if it was stated in the Charter and the Review Committee agreed. Kathy Turbidy questioned just what type of investigations. Arnold Lovering said things like discrimination or sexual harassment. Kathy Turbidy asked if this meant wire tape etc. Town Counsel said that the Town Manager already has this right this would be conducted accord ling with the civil rights law. Mary Gregoire asked if a majority vote of the BOS would be needed to initiate an investigation. Town Counsel said just a majority of the members present. Paul Gleason asked who currently investigates these incidents. Currently the Town Manager does this. Joseph Sullivan questioned who then is given the results of the investigation. Town Counsel said that the Manager could give the information to the BOS. Thomas Crowe Jr asked if this is taking away the power from the Town Manager to investigate. No it's adding the power to the Selectmen. Does this mean that once the Manager investigates then could the BOS turn around and investigate a second time? Yes. Kate Turbidy questioned who would pay for this investigation. Selectmen Philip Eliopoulos said that the types of investigations that are currently done are done internally by staff. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Peggy Dunn spoke against the article.

Dennis Ready moved the questioned. The Moderator asked for vote by way of a show of hands. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote by-law. He then asked for a vote on the motion by way of a show of hands. **The motion was defeated**.

Selectman McCall moved to adjourn the Town Meeting to 7:30 PM Thursday October 26th at the Senior Center. The Moderator asked for a vote on the motion to adjourn. Motion to adjourn, **motion carried, unanimously**. The meeting adjourned At 11:30 PM.

_____ _____

Dennis E. McHugh, Moderator Elizabeth L. Delaney, Town Clerk

ADJOURNED ANNUAL
FALL TOWN MEETING
October 26, 2006

Thomas Moran stood up and announced that those present in the hall to please rise and join him in the Pledge of Allegiance. The Moderator said that Thomas Moran was out of order and asked him to sit down. Thomas Moran continued finished reciting the pledge and sat down. The Moderator reprimanded him. He then called the adjourned Town Meeting to order at 7:30 PM at the Senior Center, on Groton Road. There were **118** Town Meeting Representatives present. Attorney Lauren Goldberg from Kopleman and Paige was the Town Counsel for the evening.

The Moderator said that he had a motion from Richard Day to table Article 30 to be heard after Article 38. Dr Wu who was a member of the Board of Health wanted to address the Body regarding the article. He was detained due to an emergency and would be at the meeting before the end of the night. The Moderator asked for a vote by way of a show of hands, **motion carried.**

UNDER ARTICLE 29. Dwight Hayward moved that the Moderator waive the reading of the motion. The Moderator asked for a show of hands on the motion**, motion carried.** Arnold Lovering explained that this article is about the School Committee and the language in the Charter. The existing Charter does not address the Education Reform Act of 1993 which is the governing Act that school committees across the Commonwealth go by. This would align the Charter with the Ma General Laws. There are no other language changes. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously**. The article reads as follows:

Selectman Michael F. McCall moved that the Town vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 3-3(b) relative to Elected Town Offices and the Powers of the School Committee by inserting the underlined text and deleting the strike-through text, as follows:

> **"(b) Powers and Duties.** The school committee shall have general charge and superintendence of the public schools of the town. The powers of the school committee shall include, but need not be limited to: appoint a superintendent of schools, and all other ~~officers and employees~~ personnel associated with the school as defined by the Education Reform Act of 1993 and/or stated in the Massachusetts General Laws, fix their compensation, and negotiate all union contracts, define their duties and discharge them; make all reasonable rules, ~~and~~ regulations and policies consistent with law, for the administration and management of the public schools of the town. The school committee shall have all the powers and duties given to school committees by the laws of the commonwealth, the charter, bylaw or other town meeting vote."

So that Section 3-3(b) shall provide as follows:

> **"(b) Powers and Duties.** The school committee shall have general charge and superintendence of the public schools of the town. The powers of the school committee shall include, but need not be limited to: appoint a superintendent of schools, and all other personnel associated with the school as defined by the Education Reform Act of 1993 and/or stated in the Massachusetts General Laws, fix their compensation and negotiate all union contracts, define their duties and discharge them; make all reasonable rules, regulations and policies consistent with law, for the administration and management of the public schools of the town. The school committee shall have all the powers and duties given to school committees by the laws of the commonwealth, the charter, bylaw or other town meeting vote."
>
> **UNDER ARTICLE 31**. Dwight Hayward moved that the Moderator waived the reading of the motion. The Moderator asked for a show of hands on the motion**, motion carried.**

Arnold Lovering explained that there were suggestions regarding the possibility of this Committee becoming an appointed Board. The Charter Review Committee thought long and hard on this. The Committee realized that this is a sensitive issue. The Cemetery Commission is running well and didn't need to be fixed. The Committee also felt that it should still be an elected board, however felt that the membership should be increased from the current three members to five members. This would allow further debate of ideas and cover absences. He then cited the different boards/committees that had expanded over the years: Board of Selectmen, School Committee, Planning Board, and Sewer Commission. He stressed again that this had nothing to do with the current Cemetery Commission and Board of Health, just felt the membership should be consistent with the other boards/commissions and asked for support.

Questions were asked concerning the eligibility of benefits allowed to these board members. George Ripsom asked if the members themselves had requested this increase. No they had not. He then asked if there had been any complaints about the commission that resulted in this decision to increase membership. No there was not. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Dennis Ready spoke in favor of this article. He felt in this day and age there is a lot more possible conflict between any board member and the public. And once a member steps away this would make the decision fall on two people, and if those particular two people can't normally agree on anything then it's not in the best interest of the applicant or the Town. A five man board would increase the number of decision makers if a conflict does arise. He asked Town Counsel when this would take effect. Town Counsel said if approved at this meeting it would go on the Spring ballot. Peter Dulchinos spoke against this. He has been a member of a three member board for twenty-eight years and he hasn't experienced any problems. John Kurland said that this should go to the ballot and let the general public vote on whether or not to increase the membership of the Board. Town Counsel clarified that

her previous opinion. This article would require approval on the Spring ballot. And if approved then the positions would appear on the April of 2008 ballot. Brian Latina spoke against the increase of Board members for this particular Board. He felt that the two additional members would be paid stipends and thus making them eligible for insurance etc. This would be extremely costly and not worth the price just to increase the membership of this particular board. Christina Walsh felt that the health insurance issue should be separate and not be part of the factor on deciding the number of members a board should have. She felt that an increase in membership was in the Town's best interest. Clare Jeannotte spoke in favor. Karen DeDonato spoke in favor of letting it appear on the ballot. Brian Latina asked if each of the Charter articles would be voted on separately in April. Town Counsel said they would. The Moderator asked if there was any further debate. Hearing none he asked for a vote by way of a show of hands. This left the Chair in doubt. The following tellers came forward and a hand count was taken: Dorothy Frawley, John Maleski, Thomas Gilroy and Eleanor Gilroy. Yes 75 no 40 76 is 2/3's the **motion is defeated.**

UNDER ARTICLE 32. Dwight Hayward moved that the Moderator waive the reading of the motion. The Moderator asked for a show of hands on the motion, **motion carried.** Arnold Lovering explained that currently the Charter allows the Town Manager to be appointed for life or until the Selectmen decided to terminate the individual. This would establish a term for the Town Manager as definite, not indefinite. It would allow the Selectmen to define the term up to five years in length. Maintains the 4/5 vote to here/terminate a new Town Manager. This will not impact the current new Town Manger until three years after the effective date of change. He asked for support of the article. George Ripsom asked if the new Town Manager will have an indefinite term. Yes because he was appointed under the current Charter. However, under the transitional powers there is language which would establish a definite term. Dennis Sheehan asked what did other Town's had. Definite terms. Paul Gleason questioned the number of votes needed by the BOS to terminate an individual. He asked if an individual is terminated is the Town responsible for fulfilling his contract obligation. It would be handled by the language written in the individual's employment contract. Town Counsel explained that this would be a benefit contract not a term of employment contract. Under a separate article is the breakdown on what the number of votes needed by the BOS to appoint or terminate an individual. The Finance Committee recommended the article. The Board of Selectmen recommended the article. A number of Representatives spoke against the article. Chris Garraghan feels that this would create a shift in power. Paul Gleason spoke against the article. He felt it was a step backwards. He didn't feel it was beneficial felt it would weaken the Manager's position. It would be subject to political influence and negatively impact any long term planning that the Manager would have. He asked that the Body vote against it. Glenn Thoren spoke in favor of the article. He felt that it should go before the voters. It shouldn't be based on the previous Town Manager's tenure. Cheryl Perkins spoke about the confusion between the wording of contract and term. She asked that the article be voted down. Jeff Miller said that the article should be voted and allow it to go on the ballot. Frances McDougall moved the question. The Moderator asked for vote by way of a show of hands. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote by-law. He then asked

for a vote on the motion by way of a show of hands. The motion was defeated. The Moderator was requested to take a hand count. The tellers came forward. Result of the hand count: Yes 54 No 65 **the motion was defeated**.

Thomas Moran requested that the Moderator reconsider Article 31 at this time. The Moderator said that he would consider this request at another point in the meeting, when more time has passed.

UNDER ARTICLE 33 The Moderator said that the Board of Selectmen moved to **withdraw** this article. Selectman Samuel Chase explained why this was being withdrawn. It is made on the basis of the fact that the BOS will support the language in the current Charter. The Moderator asked for a vote on the motion by way of a show of hands. The **motion carried.** The article reads as follows:

Selectman Michael F. McCall moved that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation amending the Town Charter in relation to the Town Manager appointment process by changing the screening committee requirements for the Town Manager as set forth below:

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHELMSFORD RELATIVE TO TOWN MANAGER AND SCREENING COMMITTEE.

SECTION 1. The charter of the Town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by inserting the following underlined text and deleting the strike-through text in the last sentence of section 4-1 as follows: "The Board of Selectmen ~~shall~~ may appoint a screening committee to assist in the recruitment and selection of the town manager."

SECTION 2. This act shall take effect upon passage.
Provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition.

UNDER ARTICLE 34. The Moderator said that the Board of Selectmen moved to **withdraw** this article. Selectman Samuel Chase explained due to Article 32 not passing this article is no longer relevant. The Moderator asked for a vote on the motion by way of a show of hands. The **motion carried.** The article read as follows:

Selectman Michael F. McCall moved that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation amending the Town Charter in relation to the Town Manager Appointments by changing the reappointment requirements for the Town Manager as set forth below:

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHELMSFORD

"The Town Manager shall also appoint all multiple member administrative advisory committees and may appoint ad hoc committees."

Thomas Moran asked that the Body reconsider article 31 at this time. He felt that there were more Representatives present. The Moderator asked for a vote by way of a show of hands. **Motion is defeated.**

UNDER ARTICLE 36 Selectman Michael F. McCall moved that the Town vote pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 4-3(h) relative to the Town Manager responsibility with regard to town facilities by inserting the underlined text and by deleting the strike-through text as follows: "(h) to be responsible for the ~~rental, use~~, maintenance and repair of all town facilities ~~except those under the jurisdiction of the school committee~~. , and, except with respect to town facilities in active use as school facilities, the Town Manager shall be responsible for the rental of all Town facilities."

Arnold Lovering explained that this expands the Town Managers responsibility regarding rental maintenance and repair of all Town facilities. It will reflect the memorandum of agreement for consolidated Facility Management between the Town and School Departments in August of 2004. He asked for support of the article. Kathryn Torres questioned if this would mean that organizations that currently use the school facilities would now have to rent their space from the Town Manager. Town Counsel said that any building that is classified as a school building is under the School Department's jurisdiction and they are in charge of rental and decision of rental. However, the maintenance of these school buildings comes under the Facilities Maintenance Department whose budget is on the Town's side of the budget. Any other building is under the Town Manager's jurisdiction. There was discussion on the wording of the article. The Moderator read the motion again. Clare Jeannotte said that in the future the wording of the articles to be voted should appear on the screen. Karen DeDonato questioned is there currently a clarification on what the School Department is responsible for. Town Counsel said under the Mass General Law. Karen DeDonato asked if the School Committee was in favor of this article. Kevin Porter said that the School Committee agrees that the Facility Maintenance agreement should be included in the Charter. The Acting Town Manager said that the School Superintendent was aware of the article and agreed with it. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any further debate, hearing none he asked for a vote by way of a show of hands. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote.

UNDER ARTICLE 37 Selectman Michael F. McCall moved that the Town vote to pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 4-5 relative to the Town Manager and vacancy in office by inserting the following underlined text and deleting the strike-through text as follows: "The appointment of the acting town manager shall be for a term not to exceed ~~three~~ six months, provided

RELATIVE TO TOWN MANAGER REAPPOINTMENT.

SECTION 1. The charter of the Town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by inserting at the conclusion of Section 4-1 the following new sentence: "The Board of Selectmen may reappoint the incumbent Town Manager for subsequent terms by a vote of a simple majority vote of the Board."

SECTION 2. This act shall take effect upon passage.

Provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition.

UNDER ARTICLE 35. Dwight Hayward moved that the Moderator waive the reading of the motion. The Moderator asked for a show of hands on the motion**, motion carried.**

Arnold Lovering explained that this clarifies the Town Managers appointment powers. Currently the Manager makes appointments and the BOS have only fifteen days to approve the appointments. This is insufficient time. This would allow the Board to have thirty days to approve appointments however the Board could approve any appointment in a shorter time span if they so desire. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any further debate, hearing none he asked for a vote by way of a show of hands. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote. The article reads as follows:

Selectman Michael F. McCall moved that the Town vote to pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 4-2 relative to the Town Manager appointment process by inserting the underlined text and deleting the strike-through text as follows:

> "Appointments made by the town manager shall become effective upon the approval of the board of selectmen, provided, however, that such approval is received within ~~fifteen~~ thirty days of filing such notice of appointment. If the board of selectmen shall fail to act, appointments made by the town manager shall become effective on the ~~fifteenth~~ thirtieth day following the day on which notice of the proposed appointment is filed with the board of selectmen. For the purpose of this section, notice of appointment shall be considered filed with the board of selectmen when such notice is filed at an open meeting of the board of selectmen."

And by inserting at the conclusion of Section 4-2 the following new sentence:

however, a renewal, not to exceed an additional ~~three~~ six months may be provided."

Arnold Lovering explained that this would increase the term of an Acting Town Manager from three months to six months. It would allow for an additional six month term if needed. It would provide more time for screening, recruitment in the hiring process. He asked for support. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any further debate, hearing none he asked for a vote by way of a show of hands. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote.

UNDER ARTICLE 38 Dwight Hayward moved that the Moderator waive the reading of the motion. The Moderator asked for a show of hands on the motion**, motion carried.**

Arnold Lovering explained that from time to time the Town Manager needs to be out of Town for whatever the reason. This would make it a requirement that there would be on file a list of qualified individuals who would be chosen by the Manager to be acting Town Manager in his/her absences. These names are subject to the BOS for approval. The Moderator asked if there were any questions. Steve Flynn came forward and wanted to acknowledge the great job and thanked Kerry Speidel for filing in the interim as Acting Town Manager. The Body responded with a round of applause. The Moderator asked for further questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator then said that he had a motion from the Board of Selectmen deleting the words in the first sentence "for their approval". Selectman Chase explained the reason. That this was to give advance notice to the Board a list of people whom the Manager would appoint in his absence. This would avoid any public debate over the qualifications of who would be appointed. A discussion took place. The Moderator asked for vote by way of a show of hands on the motion to amend. **Motion carried unanimously.** He asked if there was any need for further discussion on the motion as amended. Hearing none he asked for vote by way of a show of hands **motion carried unanimously.** The article reads as follows:

Selectman Michael F. McCall moved that the Town vote to pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 4-6 relative to the Town Manager and temporary absences by inserting the underlined text as follows:

> "The Town Manager shall provide annually to the Board of Selectmen a list of qualified officers of the town and may designate by letter filed with the Board of Selectmen and Town Clerk a qualified officer of the town from the list to perform the duties of the Town Manager during a temporary absence or disability. If such temporary absence or disability shall exceed fourteen days, any designation made by the Town Manager shall be subject to the approval of the Board of Selectmen. In the event of failure of the town manager to make such designation or if the person so designated is for any reason unable to serve, or is deemed not qualified by the Board of Selectmen, the Board of Selectmen may designate some other qualified person from the list to perform the duties of the Town Manager until the

Town Manager shall return."

UNDER ARTICLE 30. Dwight Hayward moved that the Moderator waive the reading of the motion. The Moderator asked for a show of hands on the motion, **motion carried.**

Arnold Lovering said this article addresses the issue of expanding the Board of Health from three to five members. The Committee reviewed a lot of the same issues as mentioned in Article 31. If expanded it would provide more leadership, ideas, discussions and debate. It would encourage the Town to view the Board as high priority due to the critical issues of the day, such as environmental, terrorism and public health matters because of the era society now lives in. The Board of Health felt that their budget was inadequate and needed to be able to expand their programs and awareness. One member even felt that it would be good to expand the Board's membership. The Charter Review Committee felt that it made good sense and asked for support. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Richard Day Director of the Board of Health said he has worked for twenty-six years with a Board of three and found that they worked quickly and efficiently and offered the services the Board does. He would rather see the $2,400. which would be the cost for two more members be applied instead to his limited budget for more programs etc. Dr Ernest Wu member of the Board of Health came forth and thanked the Body for allowing the delayed action of this article. He said that he agreed with the Charter Commissions recommendation on keeping the BOH staying elected. The Board needs to maintain its independence. Currently only has five employees. Two full time personnel a director/inspector and a food inspector, part-time clerk and part-time nurse. Far easier to co-ordinate three people with schedules rather than five. A majority vote still rules. And five members may not necessarily make it more efficient. Peter Dulchinos also a member of the Board of Health said at this time the Board unanimously wanted to keep the membership at three and if in the future there is a need for more members then they will ask that the Board be expanded. Arnold Lovering said that the Committee felt very strongly on expanding the membership to five because of the health issues of today. Sheila Pichette spoke in favor of the article. Brian Latina spoke against the article. Joyce Johnson felt that this should be passed and allowed to go on the ballot and let the voters make the final decision. Dennis Ready moved the question. The Moderator asked for a vote on the motion to stop debate. The Moderator declared that the **motion carried**, by recognizing the 2/3's vote. He then asked for a vote on the article by way of a show of hands, **motion is defeated.**

The Moderator then made some public announcements while waiting for Town Counsel to finalize the wording for Article 39. He said list the dates that the April and October 2007 Town Meeting were going to be. He gave absentee ballot information regarding the upcoming November 7th election. And he requested that when future meetings are held that the Representatives not park in the housing tenants' parking lot, next door.

UNDER ARTICLE 39. Dwight Hayward moved that the Moderator waive the reading of the motion. The Moderator asked for a show of hands on the motion, **motion**

carried. Arnold Lovering explained that this transitional. It eliminates or cleans up all information related to the 1989 Charter. It leaves in the information regarding the Sewer project. And it will allow the Personnel Board will to go on as it currently stands until the change is finalized. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any further debate, hearing none he asked for a vote by way of a show of hands. **The motion carried, unanimously**. The article reads as follows:

Selectman Michael F. McCall moved that the Town vote, pursuant to the provisions of M.G.L. c.43B, §10, to amend the Town Charter, Section 8-5 relative to transitional provisions by striking all subsections of Section 8-5, other than subsection (l), which shall be redesignated as subsection (b), and by inserting the following:

> (a) After the amendment to Section 3-2(c) approved under Article 27 of the 2006 Fall Annual Town Meeting regarding appointment of the Personnel Board by the Board of Selectmen becomes effective, unless otherwise provided by bylaw, the personnel board shall continue to be composed of the same number of members as currently constituted provided, however, the appointments made by the town manager shall, upon the expiration of the term of office of such members, or if a vacancy shall sooner occur, be made by the Board of Selectmen."

Seeing that the was no further business at hand, Selectman Eliopoulos moved to adjourn the Town Meeting sine die. The Moderator asked for a vote on the motion to adjourn. Motion to adjourn, **motion carried, unanimously**. The meeting adjourned at 9:50 PM.

Dennis E. McHugh, Moderator	Elizabeth L. Delaney, Town Clerk

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR STATE ELECTION

SS. Middlesex:

o t: Constables of the Town of Chelmsford

GREETING:

tl name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are ıa ied to vote in State Election to vote at

Precinct 1	Town Office Building Gym, 50 Billerica Road
Precinct 2	Harrington School Gym, 120 Richardson Road
Precinct 3	Harrington School Gym, 120 Richardson Road
Precinct 4	Westlands School Café, 170 Dalton Road
Precinct 5	Byam School Café, 25 Maple Road
Precinct 6	Westlands School Café, 170 Dalton Road
Precinct 7	McCarthy Middle School Little Gym, 250 North Road
Precinct 8	McCarthy Middle School Little Gym, 250 North Road
Precinct 9	Town Office Building Gym, 50 Billerica Road

n **UESDAY, THE SEVENTH DAY OF NOVEMBER, 2006,** from 7:00 A.M. to 8:00 P.M. for the llwing purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

SENATOR IN CONGRESS	FOR THIS COMMONWEALTH
GOVERNOR/LT. GOVERNOR	FOR THIS COMMONWEALTH
ATTORNEY GENERAL	FOR THIS COMMONWEALTH
SECRETARY OF STATE	FOR THIS COMMONWEALTH
TREASURER	FOR THIS COMMONWEALTH
AUDITOR	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS	Fifth Congressional District
COUNCILLOR	Third Councilor District
SENATOR IN GENERAL COURT	3RD Middlesex Senatorial District
REPRESENTATIVE IN GENERAL COURT (Pcts. 3, 5 & 7)	2nd Middlesex District
REPRESENTATIVE IN GENERAL COURT (Pcts. 1 & 9)	14th Middlesex District
REPRESENTATIVE IN GENERAL COURT (Pcts. 2, 6 & 8)	16th Middlesex District
REPRESENTATIVE IN GENERAL COURT (Pct. 4)	17th Middlesex District
DISTRICT ATTORNEY	Northern District
CLERK OF COURTS	Middlesex
REGISTER OF DEEDS	Middlesex Northern

QUESTION 1: Law Proposed by Initiative Petition

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 3, 2006?

SUMMARY

This proposed law would allow local licensing authorities to issue licenses for food stores to sell wine. The proposed law defines a "food store" as a retail vendor, such as a grocery store, supermarket, shop, club, outlet, or warehouse-type seller, that sells food to consumers to be eaten elsewhere (which must include meat, poultry, dairy products, eggs, fresh fruit and produce, and other specified items), and that may sell other items usually found in grocery stores. Holders of licenses to sell wine at food stores could sell wine either on its own or together with any other items they sell.

The licensing authorities in any city or town of up to 5000 residents could issue up to 5 licenses for food stores to sell wine. In cities or towns of over 5000 residents, one additional license could be issued for each additional 5000 residents (or fraction of 5000). No person or business could hold more than 10% of the total number of the licenses that could be issued under the proposed law. Such licenses would not be counted when applying the laws that limit the number of other kinds of alcoholic beverage licenses that may be issued or held. Any applicant for a license would have to be approved by the State Alcoholic Beverages Control Commission, and any individual applicant would have to be at least 21 years old and not have been convicted of a felony.

In issuing any licenses for food stores to sell wine, local licensing authorities would have to use the same procedures that apply to other licenses for the retail sale of alcoholic beverages. Except where the proposed law has different terms, the same laws that apply to issuance, renewal, suspension and termination of licenses for retail sales of alcoholic beverages which are not to be consumed on the seller's premises, and that apply to the operations of holders of such licenses, would govern licenses to sell wine at food stores, and the operation of holders of such licenses. Local authorities could set fees for issuing and renewing such licenses.

YES VOTE would create a new category of licenses for food stores to sell wine, and it would allow local licensing authorities to issue such licenses.

NO VOTE would make no change in the laws concerning the sale of wine.

QUESTION 2: Law Proposed by Initiative Petition

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 3, 2006?

SUMMARY

This proposed law would allow candidates for public office to be nominated by more than one political party or political designation, to have their names appear on the ballot once for each nomination, and to have their votes counted separately for each nomination but then added together to determine the winner of the election.

The proposed law would repeal an existing requirement that in order to appear on the state primary ballot as a candidate for a political party's nomination for certain offices, a person cannot have been enrolled in any other party during the preceding year. The requirement applies to candidates for nomination for statewide office, representative in Congress, governor's councilor, member of the state Legislature, district attorney, clerk of court, register of probate, register of deeds, county commissioner, sheriff, and county treasurer. The proposed law would also allow any person to appear on the primary ballot as a candidate for a party's nomination for those offices if the party's state committee gave its written consent. The proposed law would also repeal the existing requirement that in order to be nominated to appear as an unenrolled candidate on the state election ballot, or on any city or town ballot following a primary, a person cannot have been enrolled in any political party during the 90 days before the deadline for filing nomination papers.

The proposed law would provide that if a candidate were nominated by more than one party or political designation, instead of the candidate's name being printed on the ballot once, with the candidate allowed to choose the order in which the party or political designation names appear after the candidate's name, the candidate's name would appear multiple times, once for each nomination received. The candidate would decide the order in which the party or political designation nominations would appear, except that all parties would be listed before all political designations. The ballot would allow voters who vote for a candidate nominated by multiple parties or political designations to vote for that candidate under the party or political designation line of their choice.

If a voter voted for the same candidate for the same office on multiple party or political designation lines, the ballot would remain valid but would be counted as a single vote for the candidate on a line without a party or political designation. If voting technology allowed, voting machines would be required to prevent a voter from voting more than the number of times permitted for any one office.

me rom nomination within six days after any party's primary election for that office, whether or not the person sought mi ation or was nominated in that primary. Any candidate who withdrew from an election could not be listed on the llo for that election, regardless of whether the candidate received multiple nominations.

e proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

YE *VOTE* would allow a candidate for public office to be nominated for the same office by more than one political rty r political designation at the same election.

N *VOTE* would make no change in the laws concerning nomination of candidates for public office.

UE TION 3: Law Proposed by Initiative Petition

y u approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives fo May 3, 2006?

JM MARY

is proposed law would allow licensed and other authorized providers of child care in private homes under the te subsidized child care system to bargain collectively with the relevant state agencies about all terms and conditions th provision of child care services under the state's child care assistance program and its regulations.

nder the proposed law, these family child care providers who provide state-subsidized child care would not be ns ered public employees, but if 30% of the providers gave written authorization for an employee organization to be ir xclusive representative in collective bargaining, the state Labor Relations Commission would hold a secret mail llc election on whether to certify that organization as the exclusive representative. Parts of the state's public employee o elations law and regulations would apply to the election and collective bargaining processes. The proposed law u not authorize providers to engage in a strike or other refusal to deliver child care services.

n exclusive representative, if certified, could then communicate with providers to develop and present a proposal to s te agencies concerning the terms and conditions of child care provider services. The proposed law would then qu the parties to negotiate in good faith to try to reach a binding agreement. If the agreed-upon terms and conditions qu d changes in existing regulations, the state agencies could not finally agree to the terms until they completed the qu d procedures for changing regulations and any cost items agreed to by the parties had been approved by the state g ature. If any actions taken under the proposed law required spending state funds, that spending would be subject to p riation by the Legislature. Any complaint that one of the parties was refusing to negotiate in good faith could be ed vith and ruled upon by the Labor Relations Commission. An exclusive representative could collect a fee from o lers for the costs of representing them.

n exclusive representative could be de-certified under Commission regulations and procedures if certain conditions r net. The Commission could not accept a decertification petition for at least 2 years after the first exclusive r entative was certified, and any such petition would have to be supported by 50% or more of the total number of o lers. The Commission would then hold a secret mail ballot election for the providers to vote on whether to decertify e clusive representative.

he proposed law states that activities carried out under it would be exempt from federal anti-trust laws. The p sed law states that if any of its parts were declared invalid, the other parts would stay in effect.

YS *VOTE* would allow licensed and other authorized providers of child care in private homes under the state's b lized child care system to bargain collectively with the state.

N *VOTE* would make no change in the laws concerning licensed and other authorized family child care providers.

tion 4 This question Is not binding

hall the state senator from this district be instructed to vote in favor of legislation that would allow seriously ill ts, with their doctor's written recommendation, to possess and grow small amounts of marijuana for their personal al use?

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 4th day of October, 2006.

Selectmen Town of Chelmsford

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. Oct 13, 2006

Date

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest:

William E. Spence, Constable

CHELMSFORD STATE ELECTION NOVEMBER 7, 2006

*Adjusted 11/17/06 Out of Cty & Prov Bal

	Prec 1*	Prec 2	Prec 3	Prec 4	Prec 5*	Prec 6*	Prec 7	Prec 8	Prec 9	TOTAL
SENATOR IN CONGRESS	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	59	43	57	60	53	75	72	68	53	540
Edward M. Kennedy	934	837	915	814	908	1059	1086	1013	1013	8579
Kenneth G. Chase	618	447	558	531	616	674	791	678	708	5621
										0
Write-In										0
Misc*	2	1	3	6	2	5	7	4	2	32
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
GOVERNOR	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	18	9	10	17	12	13	11	9	8	107
Healey & Hillman	761	532	674	641	700	794	951	810	854	6717
Patrick & Murray	696	646	683	611	685	834	832	794	776	6557
Mihos & Sullivan	109	107	129	124	142	135	120	122	106	1094
Ross & Robinson	27	33	34	16	40	33	36	26	29	274
										0
Write-In										0
Misc*	2	1	3	2	0	4	6	2	3	23
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
ATTORNEY GENERAL	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	69	42	60	64	66	68	70	60	71	570
Martha Coakley	1073	940	1056	942	1050	1268	1260	1205	1143	9937
Larry Frisoli	470	346	415	404	463	476	625	498	560	4257
										0
Write-In										0
Misc*	1	0	2	1	0	1	1		2	8
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
SECRETARY OF STATE	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	213	130	198	165	197	216	258	213	219	1809
William Francis Galvin	1117	979	1128	1044	1124	1310	1375	1266	1234	10577
Jill E. Stein	279	215	203	197	252	283	312	283	318	2342
										0
Write-In										0
Misc*	4	4	4	5	6	4	11	1	5	44
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
TREASURER	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	251	144	218	167	225	231	285	249	240	2010
Timothy P. Cahill	1096	995	1100	1048	1108	1324	1382	1255	1244	10552
James O'Keefe	262	187	210	191	241	254	281	258	287	2171
										0
Write-In										0
Misc*	4	2	5	5	5	4	8	1	5	39
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
AUDITOR	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	271	177	254	188	263	277	341	269	286	2326
A. Joseph DeNucci	1047	904	1009	953	1038	1202	1281	1178	1141	9753
Rand Wilson	292	244	264	266	271	331	324	316	345	2653
										0
Write-In										0
Misc*	3	3	6	4	7	3	10	0	4	40
TOTAL										

CHELMSFORD STATE ELECTION NOVEMBER 7, 2006

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REP IN CONGRESS 5th Dis	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	490	339	437	386	457	505	607	515	542	4278
Martin T. Meehan	1101	964	1058	976	1076	1268	1304	1219	1191	10157
Philip Eliopoulos					10					10
										0
Write-In										0
Misc*	22	25	38	49	36	40	45	29	43	327
TOTAL	1613	1328	1533	1411	1578	1813	1956	1763	1776	14772
COUNCILLOR 3rd Dist	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	656	442	566	506	631	683	818	677	702	5681
Marilyn M. Petitto Devaney	950	879	953	892	937	1119	1119	1084	1059	8992
										0
Write-In										0
Misc*	7	7	14	13	11	11	19	2	15	99
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
SEN IN GEN CT 3rd Mldsx	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	93	68	85	103	79	104	110	88	93	823
Susan C. Fargo	770	694	771	684	763	919	903	887	839	7230
Sandra B. Martinez	749	566	675	622	737	788	940	788	843	6708
										0
Write-In										0
Misc*	1	0	2	2	0	2	3	0	1	11
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
DIST ATTY Northern Dist	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	591	416	508	483	603	629	761	611	656	5258
Gerard T. Leone Jr	1010	904	1009	917	964	1171	1180	1151	1105	9411
Larry Frisoli	1									1
										0
Write-In					0					0
Misc*	11	8	16	11	12	13	15	1	15	102
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
CLERK OF CTS Midsx	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	584	398	492	452	584	592	743	587	626	5058
Michael A. Sullivan	1017	925	1027	947	983	1208	1198	1174	1138	9617
										0
Write-In										0
Misc*	12	5	14	12	12	13	15	2	12	97
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
REG OF DEEDS Mldsx	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	588	392	500	459	584	595	715	606	651	5090
Richard P. Howe Jr	1015	932	1021	938	985	1205	1226	1154	1111	9587
										0
Write-In										0
Misc*	10	4	12	14	10	13	15	3	14	95
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772

CHELMSFORD STATE ELECTION NOVEMBER 7, 2006

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
QUESTION 1	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	81	40	64	67	58	84	54	81	53	582
Yes	737	611	779	664	752	797	981	818	854	6993
No	795	677	690	680	769	932	921	864	869	7197
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
QUESTION 2	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	133	101	141	107	109	150	147	154	117	1159
Yes	503	393	496	448	476	540	548	499	561	4464
No	977	834	896	856	994	1123	1261	1110	1098	9149
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
QUESTION 3	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	132	105	150	114	128	157	161	159	135	1241
Yes	615	551	641	529	598	646	629	612	631	5452
No	866	672	742	768	853	1010	1166	992	1010	8079
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772
QUESTION 4	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	197	136	203	153	178	238	194	218	168	1685
Yes	915	768	844	756	909	1001	1128	977	1085	8383
No	501	424	486	502	492	574	634	568	523	4704
TOTAL	1613	1328	1533	1411	1579	1813	1956	1763	1776	14772

STATE ELECTION NOVEMBER 7, 2006

	Prec 1	Prec 9	TOTAL
REP IN GEN CT 14th Mldsx	xxxxxxxxxxxxxxxxxxxxxxx		
Blanks	554	604	1158
Cory Atkins	1047	1152	2199
Write-In			
Misc*	12	20	32
TOTAL	1613	1776	3389

STATE ELECTION NOVEMBER 7, 2006

	Prec 2	Prec 6	Prec 8	TOTAL
REP IN GEN CT 16th Mldsx	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx			
Blanks	103	141	149	393
Thomas A. Golden Jr	864	1219	1083	3166
Matthew Lewis Prahl	361	451	531	1343
Write-In	0			0
Misc*		2		2
TOTAL	1328	1813	1763	4904

STATE ELECTION NOVEMBER 7, 2006

	Prec 3	Prec 5	Prec 7	TOTAL
REP IN GEN CT 2nd Mldsx	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx			
Blanks	445	518	644	1607
Geoffrey D. Hall	1072	1040	1288	3400
Write-In				
Misc*	16	21	24	61
TOTAL	1533	1579	1956	5068

STATE ELECTION NOVEMBER 7, 2006

	Prec 4	TOTAL
REP IN GEN CT 17th Mldsx	xxxxxxxxxxxxxxxxxx	
Blanks	423	423
David M. Nangle	971	971
Write-In		
Misc*	17	17
TOTAL	1411	1411

CHELMSFORD STATE ELECTION NOVEMBER 7, 2006

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
SENATOR IN CONGRESS	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	59	43	57	60	52	75	72	68	53	539
Edward M. Kennedy	932	837	915	814	908	1057	1086	1013	1013	8575
Kenneth G. Chase	618	447	558	531	616	674	791	678	708	5621
										0
Write-In										0
Misc*	2	1	3	6	2	5	7	4	2	32
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
GOVERNOR	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	18	9	10	17	12	13	11	9	8	107
Healey & Hillman	761	532	674	641	699	794	951	810	854	6716
Patrick & Murray	694	646	683	611	685	832	832	794	776	6553
Mihos & Sullivan	109	107	129	124	142	135	120	122	106	1094
Ross & Robinson	27	33	34	16	40	33	36	26	29	274
										0
Write-In										0
Misc*	2	1	3	2	0	4	6	2	3	23
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
ATTORNEY GENERAL	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	69	42	60	64	66	68	70	60	71	570
Martha Coakley	1071	940	1056	942	1049	1266	1260	1205	1143	9932
Larry Frisoli	470	346	415	404	463	476	625	498	560	4257
										0
Write-In										0
Misc*	1	0	2	1	0	1	1		2	8
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
SECRETARY OF STATE	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	212	130	198	165	197	216	258	213	219	1808
William Francis Galvin	1116	979	1128	1044	1124	1308	1375	1266	1234	10574
Jill E. Stein	279	215	203	197	251	283	312	283	318	2341
										0
Write-In										0
Misc*	4	4	4	5	6	4	11	1	5	44
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
TREASURER	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	250	144	218	167	225	231	285	249	240	2009
Timothy P. Cahill	1095	995	1100	1048	1108	1322	1382	1255	1244	10549
James O'Keefe	262	187	210	191	240	254	281	258	287	2170
										0
Write-In										0
Misc*	4	2	5	5	5	4	8	1	5	39
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
AUDITOR	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	270	177	254	188	262	277	341	269	286	2324
A. Joseph DeNucci	1046	904	1009	953	1038	1200	1281	1178	1141	9750
Rand Wilson	292	244	264	266	271	331	324	316	345	2653
										0
Write-In										0
Misc*	3	3	6	4	7	3	10	0	4	40
	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767

CHELMSFORD STATE ELECTION NOVEMBER 7, 2006

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REP IN CONGRESS 5th Dis	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	490	339	437	386	456	505	607	515	542	4277
Martin T. Meehan	1099	964	1058	976	1076	1266	1304	1219	1191	10153
Philip Eliopoulos					10					10
										0
Write-In										0
Misc*	22	25	38	49	36	40	45	29	43	327
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
COUNCILLOR 3rd Dist	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	655	442	566	506	630	683	818	677	702	5679
Marilyn M. Petitto Devaney	949	879	953	892	937	1117	1119	1084	1059	8989
										0
Write-In										0
Misc*	7	7	14	13	11	11	19	2	15	99
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
SEN IN GEN CT 3rd Mldsx	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	93	68	85	103	79	104	110	88	93	823
Susan C. Fargo	769	694	771	684	762	917	903	887	839	7226
Sandra B. Martinez	748	566	675	622	737	788	940	788	843	6707
										0
Write-In										0
Misc*	1	0	2	2	0	2	3	0	1	11
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
DIST ATTY Northern Dist	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	590	416	508	483	602	629	761	611	656	5256
Gerard T. Leone Jr	1009	904	1009	917	964	1169	1180	1151	1105	9408
Larry Frisoli	1									1
										0
Write-In					0					0
Misc*	11	8	16	11	12	13	15	1	15	102
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
CLERK OF CTS Midsx	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	583	398	492	452	583	592	743	587	626	5056
Michael A. Sullivan	1016	925	1027	947	983	1206	1198	1174	1138	9614
										0
Write-In										0
Misc*	12	5	14	12	12	13	15	2	12	97
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
REG OF DEEDS Mldsx	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	587	392	500	459	583	595	715	606	651	5088
Richard P. Howe Jr	1014	932	1021	938	985	1203	1226	1154	1111	9584
										0
Write-In										0
Misc*	10	4	12	14	10	13	15	3	14	95
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767

CHELMSFORD STATE ELECTION NOVEMBER 7, 2006

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
QUESTION 1	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	80	40	64	67	58	84	54	81	53	581
Yes	736	611	779	664	751	796	981	818	854	6990
No	795	677	690	680	769	931	921	864	869	7196
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
QUESTION 2	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	132	101	141	107	108	150	147	154	117	1157
Yes	502	393	496	448	476	540	548	499	561	4463
No	977	834	896	856	994	1121	1261	1110	1098	9147
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
QUESTION 3	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	131	105	150	114	127	157	161	159	135	1239
Yes	614	551	641	529	598	644	629	612	631	5449
No	866	672	742	768	853	1010	1166	992	1010	8079
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767
QUESTION 4	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx									
Blanks	196	136	203	153	177	236	194	218	168	1681
Yes	914	768	844	756	909	1001	1128	977	1085	8382
No	501	424	486	502	492	574	634	568	523	4704
TOTAL	1611	1328	1533	1411	1578	1811	1956	1763	1776	14767

STATE ELECTION NOVEMBER 7, 2006

REP IN GEN CT 14th Mldsx	Prec 1	Prec 9	TOTAL
	xxxxxxxxxxxxxxxxxxxxxxx		
Blanks	553	604	1157
Cory Atkins	1046	1152	2198
Write-In			
Misc*	12	20	32
TOTAL	1611	1776	3387

STATE ELECTION NOVEMBER 7, 2006

REP IN GEN CT 16th Mldsx	Prec 2	Prec 6	Prec 8	TOTAL
	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx			
Blanks	103	141	149	393
Thomas A. Golden Jr	864	1217	1083	3164
Matthew Lewis Prahl	361	451	531	1343
Write-In	0			0
Misc*		2		2
TOTAL	1328	1811	1763	4902

STATE ELECTION NOVEMBER 7, 2006

REP IN GEN CT 2nd Mldsx	Prec 3	Prec 5	Prec 7	TOTAL
	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx			
Blanks	445	517	644	1606
Geoffrey D. Hall	1072	1040	1288	3400
Write-In				
Misc*	16	21	24	61
TOTAL	1533	1578	1956	5067

STATE ELECTION NOVEMBER 7, 2006

REP IN GEN CT 17th Mldsx	Prec 4	TOTAL
	xxxxxxxxxxxxxxxxxx	
Blanks	423	423
David M. Nangle	971	971
Write-In		
Misc*	17	17
TOTAL	1411	1411

TOWN OF CHELMSFORD

WARRANT FOR
ANNUAL TOWN ELECTION
APRIL 3, 2007

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, VIZ:

Precinct 1.	Town Offices Gymnasium, 50 Billerica Road
Precinct 2.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 3.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 4.	Westlands School Cafetorium, 170 Dalton Road
Precinct 5.	Byam School Cafetorium, 25 Maple Road
Precinct 6.	Westlands School Cafetorium, 170 Dalton Rd
Precinct 7.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 8.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 9.	Town Offices Gymnasium, 50 Billerica Road

On Tuesday, the **3rd day of April, 2007** being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their votes for the following officers:

Two Selectmen for three years;

Two School Committee Member for three years;

Two Library Trustees for three years;

One Board of Health Member for three years;

Two Sewer Commissioners for three years;

Two Planning Board Members for three years;

One Alternate Planning Board Member for two years;

One Constable for three years;

One Housing Authority Member for five years;

One Cemetery Commissioner for three years;

QUESTION 1:

Shall this Town approve the charter amendment proposed by the Town Meeting, as summarized below?

The October 16, 2006, Annual Town Meeting voted to amend the Town Charter, Section 3-2(c), which currently authorizes the Board of Selectmen to appoint the Town Manager, Town Counsel, and Town Accountant, as well as multiple member bodies as authorized by bylaw. The amendment to Section 3-2(c) of the Town Charter authorizes the Board of Selectmen to also appoint the Personnel Board and Public Celebrations Committee. Further, the amendment authorizes the Board of Selectmen to appoint all multiple member policy advisory committees and ad hoc committees not specifically provided by bylaw. The amendment deletes the current Charter language authorizing the Board of Selectmen to appoint multiple-member committees as provided by bylaw.

YES
NO

QUESTION 2:

Shall this Town approve the charter amended amendment proposed by the Town Meeting, as summarized below?

The October 16, 2006, Annual Town Meeting voted to amend the Town Charter, Section 3-3(b), relative to authority of the School Committee, to clarify explicitly that the School Committee has authority to appoint a superintendent of schools and other personnel associated with the school department as defined by the Education Reform Act of 1993 or as stated in the Massachusetts General Laws, as well as authority to make reasonable policies consistent with law for the administration and management of the public schools of the Town.

YES
NO

QUESTION 3:

Shall this Town approve the charter amended amendment proposed by the Town Meeting, as summarized below?

> The October 16, 2006, Annual Town Meeting voted to amend the Town Charter, Section 4-2, relative to the Town Manager's appointment authority, by extending from 15 days to 30 days the amount of time the Board of Selectmen has to confirm appointments made by the Town Manager. The amendment also inserts a new sentence explicitly authorizing the Town Manager to appoint all multiple member administrative advisory committees and ad hoc committees.

YES
NO

QUESTION 4:

Shall this Town approve the charter amended amendment proposed by the Town Meeting, as summarized below?

> The October 16, 2006, Annual Town Meeting voted to amend the Town Charter, Section 4-3(h), relative to the Town Manager's responsibility with regard to town facilities, by specifying that the Town Manager shall be responsible for the maintenance and repair of <u>all</u> Town facilities, and shall also be responsible for the rental of all Town facilities other than those in active use as school facilities. Currently, the Town Charter provides that the Town Manager is responsible for the rental, use, maintenance and repair of all facilities <u>other than</u> those under the jurisdiction of the School Committee.

YES
NO

QUESTION 5:

Shall this Town approve the charter amended amendment proposed by the Town Meeting, as summarized below?

> The October 16, 2006, Annual Town Meeting voted to amend the Town Charter, Section 4-5, relative to a vacancy in the office of the Town Manager, by extending from three months to six months the term for which an acting town manager may be appointed and the term for which such appointment may be renewed.

YES
NO

QUESTION 6:

Shall this Town approve the charter amended amendment proposed by the Town Meeting, as summarized below?

> The October 16, 2006, Annual Town Meeting voted to amend the Town Charter, Section 4-6, relative to the Town Manager and temporary absences, which section currently authorizes the Town Manager to designate a qualified officer of the Town to perform the duties of the Town Manager in the event of a temporary absence or disability, and further authorizes the Board of Selectmen to make such designation under certain circumstances. The amendment requires the Town Manager to annually submit a list to the Board of Selectmen of qualified town officers for such purposes, and further requires that the Town Manager, or the Board of Selectmen under certain circumstances, designate a person from said list to act as Town Manager in the event of a temporary absence or disability.

YES
NO

QUESTION 7:

Shall this Town approve the charter amended amendment proposed by the Town Meeting, as summarized below?

> The October 16, 2006, Annual Town Meeting voted to amend the Town Charter, Section 8-5, by striking all transitional provisions set forth in Section 8-5, other than subsection (l), relative to implementation of the Town Charter upon its approval by the voters in 1989, which provisions are no longer relevant. The amendment redesignates subsection (l) as subsection (b), which subsection provides that the Sewer Commission shall cease to exist and be dissolved upon completion of the sewer project, and inserts a new subsection (a) designating the process by which the amendment addressed in ballot question number one above, authorizing the Board of Selectmen, rather than the Town Manager, to appoint the Personnel Board, will be implemented.

YES
NO

QUESTION 8:

Shall the Town vote to amend its acceptance of sections 3 to 7, inclusive of chapter 44B of the General Laws, the Community Preservation Act, as approved by its legislative body, a summary of which appears below?

> The Town of Chelmsford voted in 2001 to adopt G.L. c.44B, et seq., the Community Preservation Act ("CPA"), and to impose a surcharge of 0.5% on real property as a percentage of the annual real estate tax levy against real property. The CPA establishes a dedicated funding source to acquire, create and preserve open space and land for recreational use; acquire,

preserve, rehabilitate and restore historic resources; acquire, create, preserve and support community housing; and to rehabilitate and restore open space, land for recreational use and community housing that is acquired or created in accordance with the CPA. The Community Preservation Committee, created by bylaw, makes recommendations to Town Meeting regarding expenditures of CPA funds.

The October 16, 2006, Annual Town Meeting voted to amend the Town's acceptance of the CPA by increasing to 1.5% the surcharge on real property, and further, to accept two exemptions to the CPA as permitted under G.L. c.44B, §3(e): (1) property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the Town; and (2) $100,000 of the value of each taxable parcel of residential real property. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge. These amendments would take effect in Fiscal Year 2008.

YES
NO

And to bring in their votes for the following:

Fifty-four Representative Town Meeting Members for three years in Precincts 1 through 9.

And various additional Representative Town Meeting Members:

One Representative Town Meeting Member for an unexpired one year term in Precinct 5.

One Representative Town Meeting Member for an unexpired two year term in Precinct 2.

Two Representative Town Meeting Members for an unexpired two-year term in Precinct 3.

One Representative Town Meeting Member for an unexpired two year term in Precinct 8.

And to meet in the **Chelmsford High School Performing Arts Center, 190 Richardson Road, North Chelmsford,** on Monday, the thirtieth day of April in the year two-thousand and seven, at 7:30 p.m., then and there to act upon the following articles, VIZ:

ARTICLE 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 2. To see if the Town will vote to amend the Fiscal Year 2007 operating budget under Article 7 of the Annual Town Meeting held on April 24, 2006 and amended by Article 5 of the Annual Fall Town Meeting held on October 16, 2006; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 3. To see if the Town will vote, in accordance with the provisions of M.G.L. Chapter 41, Section 108 to set the annual salary and compensation of the following elected officers of the Town for Fiscal Year 2008:

- Chairman of the Board of Selectmen: $ 2,000.00
- Member of the Board of Selectmen: $ 1,500.00
- Member of the Board of Health: $ 600.00
- Member of the Cemetery Commission: $ 100.00
- Town Moderator: $ 300.00
- Constable: $ 50.00 per posting

; Or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 4. To see if the Town will vote to raise and appropriate, or transfer from available funds such sums of money as may be required to defray Town charges for the fiscal period July 1, 2007 to June 30, 2008; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 5. To see if the Town will vote to raise and appropriate, or transfer from available funds, a certain sum of money for the FY08 budget for the Sewer Enterprise Fund, or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 6. To see if the Town will vote to raise and appropriate; or transfer from available funds a certain sum of money to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 7. To see if the Town will vote to raise and appropriate, or transfer from available funds a certain sum of money to be used to fund employee contract agreements between the Town and its collective bargaining units; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 8. To see if the Town will vote to raise and appropriate, or transfer from available funds, a certain sum of money for the purpose of funding the sand purchase approved by the Town under Article 4 of the 1998 Special Town Meeting held on April 27, 1998; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 9. To see if the Town will vote to raise and appropriate, or transfer and appropriate from available funds, a certain sum of money for the preliminary planning of a consolidated Fire Department Headquarters and Department of Public Works Facility. Said planning shall examine the efficiencies to be gained by a shared facility, recommend a location for a consolidated Fire-DPW Facility, complete a comprehensive fire station location study, and explore the establishment of a recycling center, or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 10. To see if the Town will vote, in accordance with the provisions of M.G.L. Chapter 44, Section 53C, to raise and appropriate, or transfer from available funds, a sum of money to the special fund for compensation for work performed by firefighters on off-duty work details; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 11. To see if the Town will vote to authorize revolving funds under Massachusetts General Law C.44, Section 53E ½ for the following departments in Fiscal Year 2008 and expenditures from said funds shall be limited to a certain sum during Fiscal Year 2008:

- **Town Clerk**: The receipts to be credited to the fund shall be from the collection of fees from rabies clinic, pound and adoption fees. The Town Clerk shall be authorized to spend money from the fund for the purpose of providing improvements associated with the dog pound and programs and expenses associated with the licensing of animals. Expenditures from the program shall be limited to **$10,000** during Fiscal Year 2008.
- **Council on Aging:** The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip Program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip Program. Expenditures from the Senior Trip program revolving fund shall be limited to **$300,000** during Fiscal Year 2008.
- **Police Department:** The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to **$10,000** during Fiscal Year 2008.
- **Inspection Department**: The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to **$9,000** during Fiscal Year 2008.

; Or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 12. To see if the Town will vote to appropriate a certain sum of money for the following capital projects:

FY2008 PROPOSED CAPITAL BUDGET

Function	Department /Location	Project	Expenditure
Municipal Administration	Planning & Development	Geographic Information Systems	$18,638
	Information Technology	Network Replacement	$300,000
	-	*Municipal Administration Subtotal*	$318,638
	Police	Cruiser Replacement	$174,347
	Fire	Pick-up Truck Replacement (2001)	$40,945
		Rescue Truck 1 Replacement (1987)	$245,670
		Public Safety Subtotal	$460,962
Public Works	DPW	Drainage Improvements	$100,000
		Road Maintenance	$100,000
		6-wheel Truck Cab & Chassis	$110,000
		Sidewalk Construction	$100,000
	Cemetery	Backhoe Replacement	$38,000
		Public Works Subtotal	$448,000
Facilities	Byam Elementary	Parking/ Driveway Replacement	$140,000
	Harrington Elementary	Floor Tile Replacement	$112,000
	Westlands Elementary		
	South Row Elementary		
	McCarthy Middle	Chalkboard Replacement	$40,000
		Locker Replacement	$87,000
	Parker Middle	Chalkboard Replacement	$25,000
	High School	Chalkboard Replacement	$46,000
	Building Committee	Roof Replacement	$750,000
	Town Offices	Window Replacement	$95,000
		Public Facilities Subtotal	$1,295,000
Public	Technology	Classroom Computers	$225,000
		School Department Subtotal	$225,000
CAPITAL PROJECTS TOTAL			**$2,747,600**

And to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money to fund these obligations, and to further authorize the Town Manager to enter into lease/purchase agreements in excess of three years; or act in relation thereto.

SUBMITTED BY: Board of Selectmen
Town Manager
Capital Planning Committee

ARTICLE 13. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation budget and:

A. To appropriate from FY2008 Community Preservation Fund revenues the following:

(1) a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2008;

and further,

B. To reserve for future appropriation amounts from FY2008 Community Preservation Fund revenues as recommended by the Community Preservation Committee:

(1) a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use,
(2) a sum of money for acquisition and preservation of historic resources,
(3) a sum of money for the creation and preservation and support of community housing,
(4) a sum of money for the Community Preservation Fund FY2008 Budgeted Reserve

; Or act in relation thereto.

SUBMITTED BY: Community Preservation Committee

ARTICLE 14. To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund Community Housing Reserve, for use by the Chelmsford Housing Authority for the purpose of "buying down" to an affordable rate existing housing units; or act in relation thereto.

SUBMITTED BY: Community Preservation Committee

ARTICLE 15: To see if the Town will vote to delete Chapter 174, Section 2 of the Chelmsford Code regarding the closing of Pond Street to vehicular traffic from June 15 to September 15 yearly; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 16: To see if the Town will vote to amend Chapter 106, Section 2 of the Chelmsford Code by striking the words "Town Manager" and by inserting the bolded and underlined words "Board of Selectmen" in the first sentence of paragraph A to read as follows:

A. There shall be a Personnel Board consisting of five members, four of whom shall be known as "public members" and shall be appointed by the ~~Town Manager~~ **Board of Selectmen.**

; Or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 17: To see if the Town will vote to amend the Chelmsford Code Chapter 137-2, Recycling, by inserting the bolded and underlined text as follows:

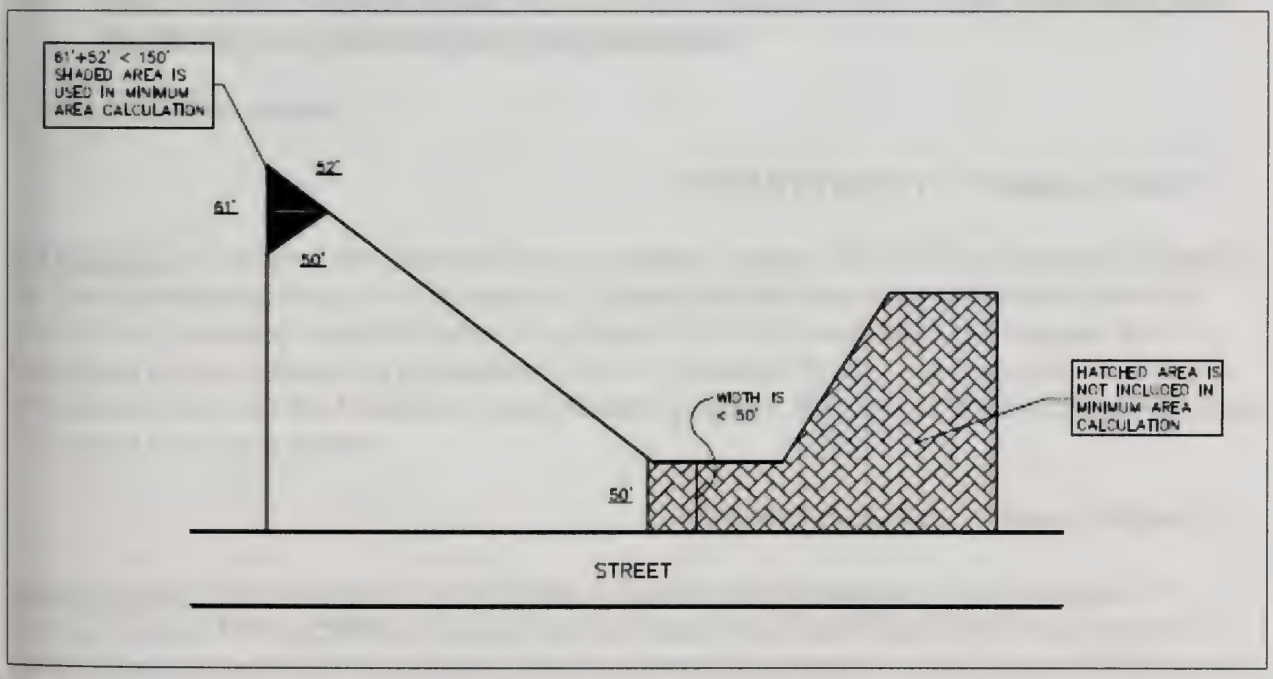
§ 137-2 Recycling

Restricted Material:
To insure compliance with the State solid waste facility regulation, 310 CMR 19.017, which prohibits the disposal as trash of certain recyclable materials, it shall be unlawful to have the following materials disposed of in, or collected with the trash. The Town shall direct its contracted waste hauler, which is obligated to comply with all State and local laws, not to collect any such visible recyclable materials with the trash. **It shall be unlawful for any person other than the contracted recycling hauler to remove any such recyclable materials placed out for collection for the contracted recycling hauler. Violation of this subsection shall punishable by a fine of $100.00.**

; Or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 18. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article XX Terminology, Section 195-108 Word Usage and Definitions, by amending the definition of **Lot Area** by inserting the following diagram:



; Or act in relation thereto.

SUBMITTED BY: Planning Board

ARTICLE 19. To see if the Town will vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article IV Dimensional Regulations, Section 195-11, by inserting the following: "**An accessory building with a footprint greater than 900 square feet, or with a building height in excess of 20 feet, or of two stories or greater shall be subject to a Planning Board special permit.**" The section will read as follows, with new language underlined in **bold:**

> ~ 195-11. Accessory buildings. [Amended 10-21-1999 ATM by Art. 29; 10-15-2001 ATM by Art. 20]
>
> No accessory building or structure, except a permitted sign or roadside stand, shall be located within a required front yard area. Detached accessory buildings may be located in the rear or side yard areas and on the same lot as a principal building, provided that not more than 25% of the required yard area shall be so occupied, and further provided that a swimming pool shall not be located nearer than 10 feet from the principal building and shall be at least 10 feet from any side or rear lot line. An accessory building attached to its principal building or within 10 feet of it shall be considered an integral part thereof and as such shall be subject to the front, side and rear yard requirements applicable to the principal building. An accessory building smaller than 260 square feet shall not be located closer than 10 feet to any side or rear lot line. An accessory building larger than 260 square feet shall be subject to the front, side and rear yard requirements applicable to the principal building. **An accessory building with a footprint greater than 900 square feet, or with a building height in excess of 20 feet, or of two stories or greater shall be subject to a Planning Board special permit.**

; Or act in relation thereto.

SUBMITTED BY: Planning Board

ARTICLE 20. To see if the Town will vote to amend Section 195-3 of the Chelmsford Zoning By-Law by rezoning from a RB Zone to a CD Zone, the land known as 1 Academy Street/ 6 North Road, shown on Assessors Map 73 as Parcel 315-10, containing 27,428 square feet of land, more or less; situated on the northerly side of Academy Street, and being shown on a plan of land recorded with the Middlesex North District Registry of Deeds at Book of Plans 127, Page 173, or act in relation thereto.

SUBMITTED BY: Citizen Petition

ARTICLE 21: To see if the Town will vote to amend the Chelmsford Code, Chapter 195, Zoning, Section 195-3, Official Zoning Map, to change from RB Single Residence Zone to P Public Zone, the land off Putnam Road, Harding Street, and Sheila Avenue, shown on Assessors Map 12 as Parcels 17-1, 17-4, and 17-5, and being shown on a plan of land recorded with the Middlesex North District Registry of Deeds at Plan Book 223, Plan 73; or act in relation thereto.

SUBMITTED BY: Town Manager
Community Development Director

ARTICLE 22. To see if the Town will vote to transfer the care, custody, control, and management of a portion of a parcel of Town-owned land as shown on a Plan on file in the Office of the Town Clerk, being a portion of land identified as Lots 1 and 2 on Assessor's Map 30, Block 111 and Lot 2 on Assessor's Map 31, Block 111, from the School Committee to the Board of Selectmen to be held for the purpose of conveyance or lease, provided that this transfer shall not take effect until the School Committee has voted pursuant to General Laws Chapter 40, section 15A that said land is no longer needed for school purposes; and to further authorize the Board of Selectmen to convey or lease said parcel to a non-profit corporation, pursuant to the requirements of General Laws Chapter 30B, with a restriction to be held by the Town that said land shall only be used to service the needs of alumni and students of the Chelmsford Public School System; and to further authorize the Board of Selectmen to take any other action necessary to effectuate said conveyance or lease; or to take any other action relative thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 23. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land located and identified on Shore Drive, shown as Lot 32 on Assessor's Map 24, Block 48 containing 4,638 square feet, more or less, and more fully described in a deed recorded on May 9, 1985 in the Middlesex North Registry of Deeds in Book 6051, Page 54; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 24. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land located and identified at 3A Stillwater Drive, shown as Lot 11 on Assessor's Map 119, Block 448 containing 0.56 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 17554, Page 53; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 25. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land located and identified at 12 Bentley Lane, shown as Lot 6 on Assessor's Map 71, Block 311 containing 0.90 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 26. To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land as located and identified at 15 Bentley Lane, shown as Lot 17 on Assessor's Map 71, Block 306 containing 0.69 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 27. To see if the Town will vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by reports duly filed in the office of the Town Clerk:

Buttercup Lane	**Morning Glory Circle**
Evan's Way	**Sanford Road (Extension)**
Holly Lane	**Talbot Lane**
Lady Slipper Lane	**Woodlot Lane**

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to see if the Town will vote to raise and appropriate, transfer and appropriate from the Stabilization Fund, and/or borrow a certain sum of money to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to see if the Town will vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto; or act in relation thereto.

SUBMITTED BY: Board of Selectmen
Town Engineer

ARTICLE 28. To see if the Town will vote to authorize the Board of Selectmen to acquire a drainage easement by purchase, eminent domain, or otherwise, for property located in the Town of Chelmsford, Massachusetts on Brick Kiln Road, as identified as Lots 1, 2 and 3 on Assessor's Map 77, Block 268 in accordance with a plan on file in the Town Engineer's Office; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 29. To see if the Town will vote to authorize the Board of Selectmen to acquire a drainage easement by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts at 88 Garrison Road and 90 Garrison Road, identified as Lots 5, and 3, on Assessor's Map 107, Block 437 in accordance with a plan on file in Town Engineer's office; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 30. To see if the Town will vote for the following citizen petition, or act in relation thereto:

> "This is a formal request to rescind the proposed plan to expand the Cranberry Bog Reservation parking area up to 10 spaces. This site is directly opposite #79 Elm street and south of #54 Elm Street in rural South Chelmsford."

SUBMITTED BY: Citizen Petition

ARTICLE 31. To see if the Town will vote for the following citizen petition, or act in relation thereto:

> "The Board of Health in conjunction with Town Counsel shall follow the proper interpretation of the applicable laws and definitions related to the lifeguard requirement as per the adopted Massachusetts General Laws (M.G.L.) 105 under Commonwealth of Massachusetts Regulations (C.M.R.) 435, and shall consult the Massachusetts Attorney General's office for legal opinion on their interpretation prior to implementing this requirement for semi-public swimming pools located on private residential dwellings such as condominiums, townhouses, and apartment buildings."

SUBMITTED BY: Citizen Petition

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 12 th day of March, 2007

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD:

Michael F. McCall, Chairman

Samuel P. Chase, Vice Chairman

William F. Dalton, Clerk

Philip M. Eliopoulos

Thomas A. Newcomb

NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of April 30, 2007:

Thursday, May 3, 2007 at 7:30 p.m.

Monday, May 7, 2007 at 7:30 p.m.

Thursday, May 10, 2007 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to Town of Chelmsford Code Chapter 154-9, these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. March 13, 2007

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest:

William E. Spence, Constable

TOWN ELECTION APRIL 3, 2007

*Candidate for Re-election	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
SELECTMAN 3 Year Term (2)										
Blanks	165	95	122	100	134	165	204	178	123	1286
Alexander E. Buck	247	124	187	173	209	326	313	275	229	2083
Patricia Wojtas	249	144	212	167	225	293	316	274	269	2149
Clare L. Jeannotte	261	155	238	148	221	306	415	330	238	2312
Richard M. Johnson					2					2
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	2		1		1	2	2	5	5	18
TOTAL	924	518	760	588	792	1092	1250	1062	864	7850
SCHOOL COMMITTEE 3 Year Term (2)										
Blanks	343	207	293	229	283	412	413	371	290	2841
Kevin E. Porter*	285	145	240	185	264	357	439	359	291	2565
Evelyn S. Thoren*	289	164	225	172	241	311	387	326	272	2387
John Peters		2								2
Richard E. Mahoney, Jr.								3		3
Anthony Volpe									3	3
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	7	0	2	2	4	12	11	3	8	49
TOTAL	924	518	760	588	792	1092	1250	1062	864	7850
LIBRARY TRUSTEE 3 Year Term (2)										
Blanks	352	217	323	232	304	429	497	399	329	3082
Lisa E. Daigle*	304	171	250	205	277	360	430	370	281	2648
David M. Braslau	267	130	187	151	211	303	322	291	251	2113
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	1						1	2	3	7
TOTAL	924	518	760	588	792	1092	1250	1062	864	7850
BOARD OF HEALTH 3 Year Term (1)										
Blanks	133	86	114	83	127	146	184	141	133	1147
Earnest Wu*	328	173	266	211	268	400	441	387	298	2772
Richard E. Mahoney, Jr.								3		3
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	1				1				1	3
TOTAL	462	259	380	294	396	546	625	531	432	3925
SEWER COMMISSION 3 Year Term (2)										
Blanks	213	122	156	131	192	244	257	236	167	1718
Jeffrey A. Miller*	229	136	232	138	200	301	364	289	227	2116
Barry B. Balan*	246	130	210	152	173	285	349	288	236	2069
Charles Wojtas	236	129	162	167	226	262	280	248	234	1944
Write-In	0	0	0	0	0	0	0	0	0	0
Misc		1			1			1		3
TOTAL	924	518	760	588	792	1092	1250	1062	864	7850
PLANNING BOARD 3 Year Term (2)										
Blanks	350	205	294	224	295	443	517	377	330	3035
Richard M. Johnson	280	158	232	187	243	336	383	342	261	2422
Susan Carter Sullivan*	293	154	234	177	252	313	350	341	272	2386
Write-In	0	0	0	0	0	0	0	0	0	0
[illegible]	1	1	[illegible]	[illegible]	2			2	1	7
TOTAL	924	518	[illegible]	[illegible]	[illegible]					

*Candidate for Re-election	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
PLANNING BOARD Alternate 2 Year Term (1)										
Blanks	151	87	127	105	127	175	217	159	145	1293
James M. Lane, Jr	309	172	253	189	269	371	407	371	286	2627
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	2						1	1	1	5
TOTAL	462	259	380	294	396	546	625	531	432	3925
CONSTABLE 3 Year Term (1)										
Blanks	135	77	106	83	126	172	184	144	153	1180
William E. Spence*	326	182	274	211	270	372	440	384	279	2738
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	1					2	1	3		7
TOTAL	462	259	380	294	396	546	625	531	432	3925
HOUSING AUTHORITY 5 Year Term (1)										
Blanks	150	87	123	95	138	180	234	162	154	1323
Gail F. Beaudoin	310	171	257	199	258	366	391	369	277	2598
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	2	1							1	4
TOTAL	462	259	380	294	396	546	625	531	432	3925
CEMETERY COMMISSION 3 Year Term (1)										
Blanks	143	85	117	93	128	161	210	153	145	1235
Gerald L.Hardy*	318	174	263	201	266	385	414	377	287	2685
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	1				2		1	1		5
TOTAL	462	259	380	294	396	546	625	531	432	3925
QUESTION 1										
Blanks	88	31	71	40	41	88	110	80	45	594
Yes	258	152	231	173	271	325	384	348	283	2425
No	116	76	78	81	84	133	131	103	104	906
TOTAL	462	259	380	294	396	546	625	531	432	3925
QUESTION 2										
Blanks	85	33	62	38	37	89	104	84	45	577
Yes	293	164	235	180	284	351	426	344	294	2571
No	84	62	83	76	75	106	95	103	93	777
TOTAL	462	259	380	294	396	546	625	531	432	3925
QUESTION 3										
Blanks	87	36	70	42	44	94	115	82	44	614
Yes	286	160	243	180	294	351	405	359	296	2574
No	89	63	67	72	58	101	105	90	92	737
TOTAL	462	259	380	294	396	546	625	531	432	3925
QUESTION 4										
Blanks	84	36	70	41	43	90	100	85	45	594
Yes	312	179	256	207	277	374	428	367	318	2718
No	66	44	54	46	76	82	97	79	69	613
TOTAL	462	259	380	294	396	546	625	531	432	3925

*Candidate for Re-election	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
QUESTION 5										
Blanks	78	39	70	41	42	83	113	91	50	607
Yes	306	164	252	201	289	379	440	370	308	2709
No	78	56	58	52	65	84	72	70	74	609
TOTAL	462	259	380	294	396	546	625	531	432	3925
QUESTION 6										
Blanks	83	38	68	42	43	87	113	83	49	606
Yes	329	182	266	222	314	404	460	394	326	2897
No	50	39	46	30	39	55	52	54	57	422
TOTAL	462	259	380	294	396	546	625	531	432	3925
QUESTION 7										
Blanks	103	42	76	49	51	110	133	100	63	727
Yes	275	160	224	175	280	343	391	339	291	2478
No	84	57	80	70	65	93	101	92	78	720
TOTAL	462	259	380	294	396	546	625	531	432	3925
QUESTION 8										
Blanks	63	26	58	25	33	76	96	64	38	479
Yes	231	114	177	112	193	266	305	246	210	1854
No	168	119	145	157	170	204	224	221	184	1592
TOTAL	462	259	380	294	396	546	625	531	432	3925

TOWN ELECTION APRIL 3, 2007
***Candidate for Re-election**

TOWN MTG REPRES (3 YEARS) (6) PCT #1	
Blanks	1049
John G. Coppinger	203
Thomas M. DiPasquale*	270
James P. Lynch*	237
Kathryn Brough*	253
Nancy H. Robinson*	238
Kathleen A. Tubridy*	264
Peggy Dunn*	254
Thomas Christiano (Write-in)	2
Write-in	0
Misc	2
TOTAL	2772

TOWN ELECTION APRIL 3, 2007
***Candidate for Re-election**

TOWN MTG REPRES (3 YEARS) (6)	PCT #4
Blanks	693
Cathleen H. Latina*	173
James H. Comeau *	143
Helen A. Manahan*	173
Andrew J. Garber *	115
Raymonde R. Legrand*	136
Daniel J. Sullivan, III*	161
Francis V.Grynkiewicz	168
Write-in	0
Misc	2
TOTAL	1764

TOWN ELECTION APRIL 3, 2007
***Candidate for Re-election**

TOWN MTG REPRES (3 YEARS) (6)	PCT #2
Blanks	679
Bruce H. Clark	164
Jean S.Whiting	145
Terence M. O'Neil*	132
Marta Martin	144
Phyllis H. Clark*	141
M. Janice Spence*	149
Write-in	0
Misc	0
TOTAL	1554

TOWN MTG REPRES (unexp 2YEAR) (1)	PCT #2
Blanks	78
Michael J. Santos	181
Write-in	0
Misc	0
TOTAL	259

TOWN ELECTION APRIL 3, 2007
***Candidate for Re-election**

TOWN MTG REPRES (3 YEARS) (6)	PCT #3
Blanks	958
David W. Hadley *	226
Scott J. Glidden	222
H. Steven Flynn *	208
Nancy J. Knight *	209
Robert M. Leavitt*	230
Jason P. Hanscom	216
Linda Leavitt	8
Write-in	0
Misc	3
TOTAL	2280

TOWN MTG REPRES (unexp 2YEAR) (2)	PCT #3
Blanks	486
William A. Nolan	257
Linda Leavitt (Write-In)	9
	0
	0
Write-in	0
Misc	8
TOTAL	760

TOWN ELECTION APRIL 3, 2007
***Candidate for Re-election**

TOWN MTG REPRES (3 YEARS) (6)	PCT #5
Blanks	802
Beverly A. Barrett *	223
Joseph P. Sullivan	198
Susan Carter Sullivan*	209
Carol A. Kelly-Suleski*	227
David P. DiGiovanni	235
Charles Wojtas*	227
Philip M. Eliopoulos*	252
Write-in	0
Misc	3
TOTAL	2376

TOWN MTG REPRES (unexp 1YEAR) (1)	PCT #5
Blanks	135
Edwin P. Eriksen	259
Write-in	0
Misc	2
TOTAL	396

TOWN ELECTION APRIL 3, 2007
***Candidate for Re-election**

TOWN MTG REPRES (3 YEARS) (6)	PCT #6
Blanks	1182
Edmond N. Roux *	268
Jeffrey A.Hardy	289
Janet G. Dubner*	289
Nancy W. Kaelin*	315
Susan Kupor McHugh*	319
James F. Dalton	302
Pamela H. McKenna *	305
Write-in	0
Misc	7
TOTAL	3276

TOWN ELECTION APRIL 3, 2007
***Candidate for Re-election**

TOWN MTG REPRES (3 YEARS) (6)	PCT #7
Blanks	1101
John S. Goffin *	336
James M. Lane, Jr	253
Linda J. Fall*	230
Barbara A. Belanger	293
David J. Hedison	208
Philip D. Maynard	166
R. Kenley Freeman *	214
Jodi L. O'Neill	359
Leonard W. Doolan, III *	252
Kevin E. Porter *	332
Write-in	0
Misc	6
TOTAL	3750

TOWN ELECTION APRIL 3, 2007
***Candidate for Re-election**

TOWN MTG REPRES (3 YEARS) (6)	PCT #8
Blanks	1114
Richard E. Mahoney, Jr	225
S. George Zaharoolis*	278
Sean R. Connor	270
ralph J. Hulslander, Jr*	229
Richard J. Day*	257
Bruce I. Mandel	213
Karen M. DeDonato*	272
Christina H. Walsh*	326
Write-in	0
Misc	2
TOTAL	3186

TOWN MTG REPRES (unexp 2YEAR) (1)	PCT #8
Blanks	187
Shawn F. Saber	341
Write-in	0
Misc	3
TOTAL	531

TOWN ELECTION APRIL 3, 2007
***Candidate for Re-election**

TOWN MTG REPRES (3 YEARS) (6)	PCT #9
Blanks	1597
James W.Young*	255
Francis J. Barre*	266
Ednah C. Copenhaver *	244
Thomas Christiano **(Write-In)**	114
William P. Griffin **(Write-In)**	23
Laura McLaughlin **(Write-In)**	27
Richard McLaughlin **(Write-in)**	26
Misc Write-In	34
TOTAL	2586

ANNUAL TOWN MEETING
April 30, 2007

The Annual Town Meeting was called to order at 7:40 PM at the Chelmsford High School Performing Arts Center on Richardson Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **151**Town Meeting Representatives present. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. The Moderator explained that this is a new location therefore he instructed the Body to observe where the fire exits are located in the room and then went over the microphone location and the rules and procedures of the meeting regarding amending motions and debate. Town Counsel John Giorgio is available to the Body to answer any questions. The Moderator then asked that the Body have a moment of silence in honor of Will Perry Pct 9 Town Meeting Representative who had passed away on April 22nd. Mr Perry had been a member of the Personnel Board and was a current Representative since 1998.

Selectman Samuel P. Chase moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. **Motion carried, unanimously**. Selectman Samuel P. Chase moved that the reading of the entire warrant be waived. **Motion carried, unanimously**.

UNDER ARTICLE 1. Selectman Samuel P. Chase moved that the Town vote to hear reports of the Town Officers and Committees.

Patrick Maloney Chairman of the School Building Committee came forward and presented his report of progress. He welcomed the Body to the new Performing Arts Center which had been part of the $31 million dollar school building project. The Body responded with a round of applause. He went over the list of accomplishments. At the McCarthy Middle School the improvements were a 5,000 square foot library, heating system, roof, ceilings music room, and classrooms. At the Parker School the work consisted of: a 5,000 square foot library, two computer science rooms, and windows, heating/air conditioning and cosmetic upgrade. At the High School, besides in addition to this center, there were eighteen new classrooms, lighting heating, roof and ceilings. Over the summer the roof at the Parker School will be addressed. The Committee will monitor the reimbursements submitted last July from the Mass School Building Authority. He will be back at the Fall meeting to report on the status of the reimbursements.

Dennis Bak Chairman of the Information Technology Advisory Committee presented his committee's report. The Committee had been formed last year by the previous Town Manager Bernard Lynch. Its purpose was to guide the leadership of the community on what the Town should be investing in the information infrastructure needs of the Town. The Committee members were Troy ONeil, Paul DeLuca, Roger Pringle, Bruce Forester, Ted Lutter. The Committee's vision is to define an information infrastructure that can serve the evolving needs of the Town. By providing data/voice/video capabilities for all town buildings. Enable distance learning, increased public safety, improve service delivery for all departments. He gave an example of students being able to access their work at the schools from the Town's library. Provide services only for municipal uses. Develop a plan for phased implementation. This can't be done all at once. Key components of the installation would have a ten plus year life span. Minimize impact on capital/operating/personnel budgets. The Committee's accomplishments have been to hire a consultant to help write a strategic plan. They wrote a technical specification guide plan and developed a proposed budget for project. They worked with contractors on phase one design. A strategic plan is being finalized which includes the initial focus on improved data

network. Fiber optic core for initial phases and wireless/mobile added in later phases. A project budget has been defined. He showed a diagram of the proposed topology of the three phases. It will take a couple of years in order to install fiber lines. There is a request in the current capital budget for $300,000 they plan to ask for $250,000 a year for the next three to five years in order to invest in information infrastructure projects. He asked that the Body support their portion of the Capital Planning article.

Susan C. Sullivan Chairman of the North Chelmsford Water Department Advisory Committee came forward and presented the committee's report. This Committee was formed as a result of an article from last October's meeting. Besides herself the members are Diane Baxter, Wanda Dunn, Thomas Groves and George Merrill. The Committee was to study the potential threat of the Chelmsford DPW facility on Richardson Road to the North Chelmsford Water Department wells located around and across the street from the garage. They were to prepare a report of their findings. The Committee began meeting in early December and fathered and reviewed relevant studies, reports, maps well logs, correspondence, regulation, guidance and test results on the issue. They conducted two site visits to the facility on December 1 and 15, 2006. The property, cold vehicle storage garage, and the vehicle maintenance building were toured. The management practices of the DPW were observed and noted. The NCWD well field property was also visited by the Committee on December 1 and 8 after concluding the DPW tour. The Committee met with the NCWD Commissioners and their consultant, Peter Shanahan, of HydroAnalysis and discussed the history and concerns regarding the DPW facility. The Committee's concerns are the 5,000 gallon above ground storage tank (AST) of diesel fuel. This was used by the DPW and Fire Department. The Materials Pile was questioned. What is in it? Storm water management practices. Maintenance facility and the vehicle storage/wash bay. The Committee recommended that the diesel tank be removed (and it has been, fueling is now done at the Police Department.) The Materials pile should be screened and soil tested around it. Limit the storage of materials to two years. Storm water management practices. – Pre-treat and recharge ground water using best management practices (BMP's). Finally improve oil and hazardous materials handing and housekeeping practices regarding the interior of the building. They felt that an Environmental Compliance Officer should be established using the present staff. The duties would be to make inspections, follow up of all spills educate the staff old and new, and implement a spill control plan. It was felt if one person was in charge of these requirements there would be over all great improvements. She went on to say that the Town does have a unique situation due to it having three different water districts. No one body looks at or deals with aquifer protection. The Committee went beyond the scoop and suggested that a Water Protection Board/Committee be formed on the municipal level with a goal to minimize potential threat to aquifers town wide. Create and co-ordinate town wide monitoring database. Have an enforcement/Inspection Authority like the Building Inspector who would assure compliance with existing regulations and recommend implementations when needed. Educate and outreach to businesses and residents. And to encourage Water Districts to implement sentinel monitoring well program for early detection of potential threats and contamination. Test their wells on a regular basis. Her report is a summary of the Committee's report. For a more detailed report is available on the Town's website. Dennis Ready questioned if her committee was going to appoint a Water Protection Board. She said that the duties of her committee were to study the situation at the DPW site and report to the BOS and Town Meeting Body. The BOS will decide what to do regarding any future decisions. The Moderator explained that because this Committee was formed as a result of a Town Meeting article, a vote was needed by the Body to accept the report given. The Moderator asked for a vote by way of a show of hands. **Motion carried, unanimously.**

Andrew Sheehan Community Development Director came forward and reported on the Central Square Utility Conversion project. This is regarding obtaining the easements necessary for expansion of the utility district. He presented a map to the Body which showed the outlining area of the utility conversion. It was as far south as Summer Street, as far north as Fletcher and Chelmsford Street, and as far northwest as Fletcher Street and North Road. He went over the history of the project. It started with article 11 of the October 19, 1998 Fall Town Meeting. Then in October of 2002 two more articles were voted. One was to expand the district in order to make a logical dead end. This included portions of Billerica and Boston Roads and Summer Street. The other article granted authorization to acquire land for equipment easements for manholes, transformer switching gear etc. The last article voted in October of 2006 was to receive authorization in order to acquire additional land for the hand hole easements for individual building service connections. During the discussion of this article, the Body requested that a report be made at the Spring Town Meeting regarding what the utilities have in amount of money collected, expanded, and balance on hand. As of December 31, 2006 Verizon who began collections in 2002 has a balance of $185,337. They've collected $827,120, and expended out $641,783. National Grid who began collecting in 2001 has a balance of $3,421,540. They've collected $3,913,158, and expended out $491,618. Due to Comcast not being affected at this part of the project, they have not started collecting any surcharges yet. Once the actual project starts that's when they'll begin collecting. There are about fifteen outstanding easements that have yet been obtained. He is working with the Board of Selectmen and hopes to complete this without going through the eminent domain process. There are two big parcels, the Mobil Station and the Stop and Shop parking lot in the Center of Town. These parcels are in the hands of big companies, there could be other issues regarding environmental etc and this will take time to resolve so instead of waiting for permission the Town has gone ahead and started the eminent domain process. Bob Joyce questioned who is over seeing the project, who collects the interest on the balance and what is the time period. The Department of Utilities which is a State agency is in charge of the collections. The actual companies are responsible for filing a yearly report in detail with the Town. Nothing will start until all easements are obtained either voluntarily or through eminent domain. Andrew Sheehan explained the steps involved with the project. It's not just as easy as removing poles. Wires have to be buried. Manholes and other access must be established etc. All in all once started the project could take up to five years to complete. Peggy Dunn questioned the necessity of obtaining easements on Boston Road down Summer Street. Brian Latina questioned if the fibro optics material for the Informational Technical project was going to be included in this project. Yes it was. Brian Latina questioned what would happen if the Town just stopped making payments to this project and directed that the money collected be used in other areas. John Giorgio Town Counsel said that he wasn't completely sure what the process would be if any he'd have to do research. He felt that once payment was made to the utilities the Town couldn't just stop doing this. The commitment was established. Brian Latina expressed disappointment in the lack of written information concerning this project. Considering the amount of money collected he felt that a detailed report of engineering etc should be available. Andrew Sheehan said that the utilities have reported what they have to at this point of the project. He does have plans and all copies of correspondence he has received in a binder which is available for the public to review at anytime in his office. Hearing no further questions, he thanked the Body.

Sue Rosa, the Town's Public Health Nurse from the Board of Health, explained that the purpose of her report is to talk about the need of Public Health Emergency Volunteers. In the event of a disaster the Town needs to have an emergency plan in place. Besides the employees of the Board of Health the Town must rely on volunteers who have to be pre-registered. By being pre-registered it avoids confusion and the BOH will know ahead of time what sources will be

available. These volunteers do not have to have any medical background. They are volunteering their service of expertise whatever it may be. Or they are volunteering to give their time to work as support, even if they don't have any expertise. Regardless, in order to take part ALL volunteers must be pre-credentialing and have a CORI evaluation. Once a person signs up they are not to feel obligated to volunteer for an event. The list of volunteer's is confidential and never shared. It will be used only by the BOH and the local Upper Merrimack Valley Medical Reserve Corps when a situation arises. The Body asked questions concerning the availability of the sign up forms and pre-registration. This was the final report heard.

UNDER ARTICLE 2. Town Manager Paul E. Cohen moved that the Town vote to amend the Fiscal Year 2007 operating budget under Article 7 of the Annual Town Meeting held on April 24, 2006 and amended by Article 5 of the Annual Fall Town Meeting held on October 16, 2006 as follows:

Decrease Line Item #7, Public Works Salaries, by $25,000; and
Decrease Line Item #17, Undistributed, by $319,500
Increase Line Item #1, Municipal Administration Salaries, by $29,300:
Increase Line Item #2, Municipal Administration Expenses, by $87,000;
Increase Line Item #8, Public Works Expenses, by $25,000;
Increase Line Item #9, Public Works Snow & Ice, by $127,500
Increase Line Item #12, Cemetery Commission Expenses, by $4,200;
Increase Line Item #13, Community Services Salaries, by $55,000;
Increase Line Item #14, Community Services Expenses, by $12,000; and,
Increase Line Item #20, Audit, by $4,500.

The Town Manager came forward and explained to the Body that this in not unusual and more than likely there are always going to be budgetary adjustments made during the year since a budget is first voted. However, before he went over these adjustments, he made it a point to thank all the staff, Town officials and employees who have helped him assimilate and prepare for this Town Meeting. He announced that he would like to make it a practice of introducing any new Department Heads who have been appointed since the previous meeting. He then introduced Darlene Lussier as the new Town Accountant. He then noted that this will be School Superintendent Dr Richard Moser's last town meeting and requested that the Body take a moment to recognize his accomplishments. The Body acknowledged with a round of applause. He then went over the adjustments to the budget article as voted last April and has been in effect since last July. As a result the proposed decreases and increases made were the elimination of a position in the DPW and contracting cleaning service has been hired for the two municipal buildings. There have been changes in health care benefits, and he went over those adjustments. Due to illness in the Assessors office temporary help had to be hired. Due to land cases and site appraisals the cost for legal representation had to be increased. Even though it seemed like a mild winter it was a bad March and ice was a big factor that had to be dealt with. The increase of fuel cost affected the Cemetery Department. The Recreation Department needs to have additional money in order to operate and the Veteran's Agent case load has increased which requires more hours of operation. The salary for the Director of the Counsel on Aging needed to be adjusted to cover a shortfall. The Veterans benefits have increased and must be paid however, the Town will receive $9,000 in reimbursements for this. Finally the cost of the annual audit contract needed to be adjusted. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Marian Paresky addressed questions dealing with the Town employee retirees' health costs. She wanted to reduce the cost of the retired employees who participate in the Medicare Medex III program. She moved to amend the article with the

following: To have any and all monies in the $319,000 and any other area that receipts are received from Medicare, be transferred to the employees/retiree health care line item, to specifically reduce the cost to retired municipal employees who participate in the Medicare Medex III program. Town Counsel John Giorgio ruled that this motion was out of order because it did not specify which line item would be reduced. The Moderator asked if there was any more discussion, hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously**.

UNDER ARTICLE 3. Town Manager Paul E. Cohen moved that the Town vote, in accordance with the provisions of M.G.L. Chapter 41, Section 108, set the annual salary and compensation of the following elected officers of the Town for Fiscal Year 2008:

- Chairman of the Board of Selectmen: $ 2,000.00
- Member of the Board of Selectmen: $ 1,500.00
- Chairman of the Board of Health: $ 660.00
- Member of the Board of Health: $ 600.00
- Member of the Cemetery Commission: $ 100.00
- Town Moderator: $ 300.00
- Constable: $ 50.00 per posting

The Town Manager explained that this is an annual article. These are the same amounts that have been in effect for the past year and previous years. Susan Sullivan expressed disappointment that the article has reappeared again. It had been clearly expressed that a solution should be made regarding this situation based on last Aprils meeting. She wanted to know if these amounts could be known as anything else besides a salary thus it would avoid the eligibility of health insurance being made available to these positions. The Town Manager explained that no according to MGL if an elected official receives a salary regardless of the amount they are eligible for health insurance and retirement benefits. Then she asked if the amount paid could be considered an expense item? It could but this has been the past practice. The Manager also explained that those individuals who are Selectmen do not submit any expense vouchers if they receive the health insurance. The Manger was asked how many officials receive the health benefit? He explained that there are thirteen eligible people but only four are currently receiving the insurance. Marian Paresky asked if W2 forms are issued to these people. Yes they are. Karen DeDonato asked what the cost is for these four officials. $42,235. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Susan Carter spoke against the article. She said that she had nothing but utmost respect for the officials on the list, however, this could be a potential uncontrollable budgetary expense based on the positions being elected. She felt that these people should certainly be reimbursed for any expense personally incurred by them regarding the position, but the health insurance eligibility should not be allowed. Karen DeDonato spoke against the article. She felt that it should be an all or nothing situation. All elected officials should receive a salary not just the ones shown or no elected official should be paid any amount. The money that is being spent on health insurance for the officials should be used to fund kindergarten aides or firemen. Fran McDougall spoke against the article. Dennis Ready spoke in favor of the officials receiving salaries. He said that he was a former Selectman and there is a big expense involved in being an elected official. He spent over his yearly salary on various functions and contributions. He would like to see that the School Committee Members receive a salary due to all the hours that they work. Bill Martin spoke in favor of the article. He felt that those who run for elected offices do not do so for eligibility of benefits they do this in order to serve the Town. The Moderator asked for a vote by way of a show of hands. This left the Chair in doubt; the following tellers came forward

and conducted a hand count: Dorothy Frawley, Thomas Gilroy, Janet Holmes, and Eleanor Gilroy. The result of the hand count **Yes 79 no 57, the motion carried**.

UNDER ARTICLE 4. The Town Manager came forward and gave a general overview of the budget. The School Department increased by $1.2 million dollars. On the municipal side: General Government increased $88,851. Public Safety decreased by $300,000. Public Works increased by $219,000The Cemetery Department is level funded. Under Community Services: recreation increased by $81,000. The Library Department increased $85,000. There is funding of $323,917 put aside for various contractual agreements under article 7 and the Municipal Facilities which supports both municipal and school operations of the budget is level funded at $1.1.3 million dollars The budget is put together by adhering to the fundamental budget principal. Which is recurring revenues must match recurring expenditures. Essentially live on your means or what you take in. He noted that there is no request for a proposition 2 ½ over-ride this year for a capital or debt exclusions. There is no drawing on the Stabilization fund. The Town is expecting a 12.5% increase in Chapter 70 State Aide which would be $920,000. There is a Level funded $2.5 million Capital Improvement program. However, this budget does reflect a reduction in Town services which will be addressed further in the budget. This reflects funding for a Part-time Economic Development Co-coordinator who will develop a commercial tax base for the community. He went over the sources of revenue. 72.4% is funded from Property Tax, 16.6% from State Aide, 8.2% from Local Receipts and 2.3% from Sewer User Fees. He gave a history of each category. He talked about the stabilization fund. Currently the balance is $1.6 million dollars, the rule of thumb would be to have 5-10% of a budget or cash reserve in it. Therefore, our balance should be $5 million dollars. This resulted in the Town receiving a down grade warning from our bond counsel because our reserves were so low, which is why no monies were taken out of the stabilization fund for this budget. He is hopeful that it will level off and be able to be brought back up. Due to a slow down in the economy this is reflected in the local receipts. There is less money coming in under excise tax, less money coming in from building permits. The ongoing budget issues are sustainability to be able to fund the operational cost with recurring revenue. To address the low balance in the Stabilization fund. The Employee benefits costs continue to rise this year it was by 9%. And the snow and ice budget is generally insufficient, however this year he budgeted what he considers to be a realistic figure. He then went over the municipal side of the budget explaining the increases and decreases. He explained that under the municipal administration the increases are due to the hiring of the Part-time Economic Development person at $30,000. This person is to work and assist the Community Developer Director on maintaining the current business in Town and to offer assistance for any new ones that may decide to move to Town. Also due to the need to have a special election to fill the 5th Congressional seat at a cost of $28,000. There will be a Special Primary election in September and a Special General Election in October. There is a $20,000 increase in the Informational Technology area. Also all non union personnel who did not receive any increase the past fiscal year will receive a 3.5% across the board increase this year. Dr Richard Moser then gave a brief presentation about the School Department's budget. He said that there was a budget hearing last week that was more detail. He thanked the School Committee and the citizens who participated in working for the increase of $460,000. in State Aide. Funds were able to be put back into the first grade program. Three full time positions will be restored to the High School. Two full time counselors were to be cut at the elementary level now they will not. Ten full time positions were going to be cut now only four positions will be cut. Class enrollment has gone down so some of these reductions are a result of that not funding and restructuring has taken place. He went over the actual list of proposed reductions at this point in time. He hopes that by May 22nd some of the issues will be addressed. Aides will be cutback at the elementary level. Professional support personnel will be eliminated. Grade six at McCarthy will be

reduced. Reductions will be made at Parker. Grants will be sought. Contracts will go out for re-bid concerning transportation in hopes to achieve less cost. A number of questions were asked. Deirdre Connolly questioned why teacher aides etc are being cut. What administration costs have been taken? There have been eight positions eliminated. Stat Dukakis asked about student achievements and the budget process. He didn't feel that enough money was being budgeted toward the school department. The Town Manager said that he had to make cuts in all departments not just the school. He had to cut the public safety budget by 8%. Thomas Fall questioned text books. Dr Moser said that this has been cut and will not be increased. More questions were asked concerning the School Budget. Dennis Ready questioned if money is going to be put back into the stabilization fund. The Town Manager said that he will do this in the fall. Karen DeDonato questioned the closing of Fire Stations. Why put the money toward snow and ice in this budget rather then make cuts in public safety. The Manager explained that it would not be a creditable budget unless the snow and ice budget is a true figure. Karen DeDonato wanted to know if the town had reached rock bottom. The Town Manger said that it was going to get worse before it got better. This is not unusual this is going on across the Commonwealth. Brian Latina questioned previous year's transfers. The Manager said that this is an historical projection figure that he was reading not a real figure Christina Walsh questioned the closing of fire stations and response time. Chief John Parow explained how he was going to deal with the issue. It would be on rotating basis. That way there won't be one area that will lose coverage completely however, the response time will increase. At this point personnel will not be cut. Thomas Moran questioned why the Library has two buildings and the Town is keeping both open yet closing fire stations. Becky Herman the Library Director said that the McKay Library has been cut in the past and has limited hours. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Marian Paresky thanked the Public Safety and the DPW personnel for the services that they have provided. She said that she appreciated that the Town Manager has said that the cost of the health care is not a result of the retirees. She asked that the Town look into the Medicare cost that the retired employees currently pay. Kathy Gephardt talked about the cuts to the kindergarten aides and asked that these positions not be eliminated. Kathy Duffet Chairman of the School Committee said that the School Committee does acknowledge the importance of these positions. Karen DeDonato questioned if new funding via possible proposed in town ambulance service or towing contracts becomes available by January of 2008 would the services be restored. If funds do become available an evaluation will be made on restoring services.. The Moderator asked if there were further debate, hearing none he asked for a vote by way of a show of hands, **motion carried**. The article reads as follows

Town Manager Paul E. Cohen moved that the Town vote to raise and appropriate the sum of $91,963,991 and transfer $7,500 from the Wetlands Protection Act Revolving Fund; and $391,901 from Sewer User Revenues; and $91,658 from Childcare Revolving Fund to defray Town charges for the fiscal period July 1, 2007 to June 30, 2008 according to the following items:

Municipal Administration	
Personnel Services	$ 1,404,360
Expenses	$ 815,015
Chelmsford School Department	$ 43,182,232
Nashoba Technical High School	$ 1,404,036

Public Safety	
Personnel Services	$ 8,403,098
Expenses	$892,349
Public Works	
Personnel Services	$ 2,097,232
Expenses	$ 3,701,238
Snow and Ice	$ 730,000
Sewer Commission	$0
Cemetery Commission	
Personnel Services	$ 229,167
Expenses	$ 48,675
Community Services	
Personnel Services	$ 502,929
Expenses	$ 205,871
Library	
Personnel Services	$1,113,371
Expenses	$ 419,253
Undistributed	$15,671,321
Debt	$11,589,903
Audit	$ 45,000

Selectman Samuel P. Chase moved to adjourn the Annual Meeting until Thursday May 3rd at the Senior Center on 75 Groton Rd at 7:30 PM. **Motion carried, unanimously.** The meeting adjourned at 11:00 PM.

_____ _____

Dennis E. McHugh, Moderator Elizabeth L. Delaney, Town Clerk

ADJOURNED ANNUAL TOWN MEETING
May 3, 2007

The Adjourned Annual Town Meeting was called to order at 7:40 PM at the Senior Center on 75 Groton Rd. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **151** Town Meeting Representatives present. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. He then proceeded with the meeting.

The Moderator explained that he had before him a motion from Selectman Philip Eliopoulos to take Articles 20 and 22 out of order. Due to administrative reasons it is necessary to have the Body address these articles at this meeting. The Moderator asked for a show of hands on the motion to take the two articles out of order, **motion carried unanimously.**

UNDER ARTICLE 20. The Moderator read the article. Attorney Douglas Deschenes came forward and presented the article. Attorney Deschenes said he was representing Charles Johnson who was the owner of the property mentioned in the article. For over the last year Charles Johnson had been trying to either rent or sell this property as residential. He had been unsuccessful. At the October Town meeting last year, this article had become before the Body to be rezoned from residential to commercial and was denied. Attorney Deschenes said that the Representatives had many concerns regarding the proposed zoning change. He showed pictures which gave an overview of the property. It is a parcel of residential land with the exception of the parsonage that abuts the property that is surrounded by business or municipal buildings on a main street. He showed slides which gave an overview of the property. It is currently a two family residential use. Charles Johnson has greatly improved and maintained the property since he acquired it. However, due to the location and the surrounding properties being businesses it is not an unreasonable request to ask for this zoning change. He explained that his client had appeared before the Historic District and spoke with the Historical Commission and addressed their questions and concerns regarding the use and preserving the historical aspect. Attorney Deschenes said that he had met with the Pastor of the Central Baptist Church and discussed the proposed zoning change. Pastor Goldthwaite said that he wasn't against the property being converted to office use, his was however concerned with the other uses allowed in the CD zone. And that the property in later years might become one of those uses. His client agreed to draw up a covenant that would contain restrictions and be permanently part of the deed. This would guarantee that the building will be kept as a professional office building and not any of the other allowed uses under the commercial zone. Also his client would apply to the Massachusetts Historical Commission and have the property registered. There is a current buyer who is interested in purchasing the property and the sale hinges on the results of this meeting. This article is only the beginning of a process. If it passes it will still have to go before the Planning Board for site plan review. This is where matters will be discussed and voted regarding the number of actual parking spaces, screening, lighting and entrances. Thomas Fall questioned the word "office" he felt that a bank would be allowed to go on the site according to the present definition in the zoning by-laws. Sheila Pichette questioned if the property would be used for religious or educational organization would more parking spaces be required .Peggy Dunn questioned the covenant. Howard Hall questioned the type of business that would be using the property and if it would be more than one? Paul Gleason questioned if this had gone back to the Planning Board and had a study been done to the effect of traffic entering and

existing that location. It is where a bottleneck occurs in the early morning and this will make the situation worse. Karen Kowalski questioned with wasn't the wording of the covenant included in the article. It was explained that before any vote is taken the article will be amended to reflect the wording to include a covenant. Ralph Hickey questioned the availability of handicap parking. The Moderator asked for the recommendation from the various boards. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Susan Sullivan , Chairman of the Planning Board said that the Planning Board held a public hearing on March 14, 2007 and voted 3 in favor, 2 opposed, with 2 abstaining, the Planning Board recommends in favor of the article. This recommendation is contingent on the execution and recording of a Preservation and Use Restriction limiting the future uses of the property and a Historic Preservation Restriction, both to run with the land in perpetuity. Susan Sullivan then explained that what Attorney Deschenes had said was correct. The Planning Board will in fact address all the questions expressed regarding the use and traffic and any other questions once this comes before the Board for site plan review. Brian Latina spoke against the article. He expressed concern because of what happened a few years ago with a site down the street. The owner was allowed to tear down two buildings after presenting a covenant however; to this date nothing has yet to be built on the site. It is just a big open field. Peggy Dunn spoke against the article. She felt that the historic value of the property being a residence and not a business should be maintained. Daniel Sullivan moved to amend the article by adding the following wording to the end of the article. "and to authorize the Board of Selectmen to accept a preservation and reuse restriction with respect to the property". Brian Latina made a point of order. He questioned the occupation and connection to the article the mover of the amendment had to the motion to amend. The Moderator ruled this out of order. Glenn Thoren spoke in favor of the motion to amend. The Moderator asked if there was anymore discussion on the motion to amend. Hearing none he asked for a vote by way of a show of hands. **Motion carried**. More discussion took place. Richard Johnson spoke in favor of the motion as amended. He felt that even if the property is sold as a residence there is no guarantee that the new owner would maintain it as well as the present owner does. If this article passes a business is more then likely to maintain the outside appearances of the property. Thomas Fall spoke against the article. He was afraid that a bank will would be allowed to operate on the property. Linda Fall spoke against the article. Frances McDougall moved the question to stop debate. The Moderator asked for a show of hands on her motion. He declared that the **motion carried, by recognizing the 2/3's vote by-law.** The Moderator then asked for a vote by way of a show of hands on the article as amended. He declared that the **motion carried, by recognizing the 2/3's vote by-law.** The article reads as follows:

Dennis Ready moved that the Town vote to amend Section 195-3 of the Chelmsford Zoning By-Law by rezoning from a RB Zone to a CD Zone, the land known as 1 Academy Street/ 6 North Road, shown on Assessors Map 73 as Parcel 315-10, containing 27,428 square feet of land, more or less; situated on the northerly side of Academy Street, and being shown on a plan of land recorded with the Middlesex North District Registry of Deeds at Book of Plans 127, Page 173 and to authorize the Board of Selectman to accept a preservation and release restriction with respect to the property.

UNDER ARTICLE 22. Selectman Philip M. Eliopoulos moved that the Town vote to transfer, pursuant to M.G.L. c. 40, § 15A, the care, custody, management and control of a parcel of land as shown on a Plan on file in the Office of the Town Clerk, being a portion of land identified as Lots 1 and 2 on Assessor's Map 30, Block 111 and

Lot 2 on Assessor's Map 31, Block 111 from the School Department to the Board of Selectmen for the purpose of conveying or leasing said land under the following conditions:

1. The School Committee votes to determine that said land is no longer needed for school purposes; and

2. A contract is made by the Town to convey or lease such land to a non-profit organization to be used to service the needs of alumni and students of Chelmsford High School;

Such transfer of care, custody, management and control shall become effective only if both conditions are satisfied.

Additionally, to authorize the Board of Selectmen, in conjunction with the School Committee, to convey or lease said land in accordance with M.G.L. c. 30B to a non-profit organization that shall use the land to serve the needs of alumni and students of Chelmsford High School, with a right of reverter providing that title to the property shall be returned to the Town under the control of the School Department in the event that any such non-profit organization that acquires the land fails to so serve the needs of such alumni and students; and provided that prior to making any such conveyance or lease the Selectmen are reasonably satisfied that the grantee has the financial resources and commitments necessary to construct a facility on the premises for such purposes; and further, to authorize the Selectmen to take any other action to carry out the purposes of this article.

Selectman Philip Eliopoulos came forward and introduced George Simonian who is the Executive Director and Terry McSheehy who is the President of the Chelmsford High School Alumni Association. Selectman Eliopoulos explained that the Alumni Association was formed mainly for establishing a scholarship fund for graduates of CHS. It has over one million dollars in the endowment fund. It is a 650+ membership organization. It produces a newsletter; has a networking system that assists graduates and keeps them current with news and events of the graduating class. The members are dues paying graduates from Chelmsford High. George Simonian explained the mission of the association. The goal of the association is to construct a building that would be able to house records and present, past and future memorabilia that the association has. Currently they are being stored in various officers' cellars and attics. They want a place to display all the past memories, awards for present and future CHS graduates. They want a space where they can have meetings hold awards nights, dinners and breakfasts prior and after games. He asked that the Body support the article. Selectman Eliopoulos explained that this building would be available to the Town as another meeting location if needed. Teacher workshops could be held there. Also the Town will be allowed to have space in the bottom half of the building for climate control record storage. Peggy Dunn questioned the amount of land involved. About two acres located between the two entrances of the High School. How big is it? An eight to ten thousand square foot one floor with a basement level building. The basement will be for storage. Frank McDougall wanted to know how many alumni associations have buildings in the state. Very few, this is a new undertaking. Mike Santos questioned how this will benefit the people who are not members. Selectman Eliopoulos explained that all future graduates will automatically become members of the Alumni Association. They will take advantage of the networking system. The Association has awarded over $48,000 per year

in scholarship money. This building would allow future fundraising that would perhaps increase the amount of scholarships given. Karen DeDonato questioned why the School Committee had to turn the land over to the BOS why couldn't they just give the land directly to the Alumni Association? George Giorgio, Town counsel explained that this is a technical law that even though the School Committee is in charge of the school buildings, the land that the buildings sit on requires a 2/3's vote from town meeting in order to transfer it. Brian Latina questioned why the building wasn't put in the L section of the High School near the performing arts center. George Simonian explained that all land around the High School had been investigated and this was the best area according to an alumnus who is a civil engineer. The area is flat and the location is perfect there is a sidewalk already in place that would go right by the location. George Ripsom expressed concern regarding the reverter clause that would extend beyond the thirty years in the past the Town has had to address legal situations due to the reverter clause not being clear. Town Counsel assured the Body that he can't address what has happened in the past however; when the time comes his firm will make sure that the Town is well protected. Thomas Mills questioned if a business plan has been developed. Regarding the revenue to be generated and how will the building be maintained. Selectman Eliopoulos explained that the association would not take ownership of this site until the fundraiser campaign justifies it. The Town would not be responsible for maintaining or staffing the building. The Association would hold a major fund raiser and have a goal of $2 million dollars. This is what the estimated cost would be to build and maintain and staff the building. There will be a contingency clause that will be part of the RFP. The Selectmen in conjunction with the School Committee would not release the rights to the land until they are shown that this goal has been met. If the Association was to dissolve either before or after everything is built the land and building will revert back to the Town. If the Body approves this article tonight the process can begin immediately regarding the fundraising, its one thing to have an idea it's another to actually have a plan in place. Thomas Crowe asked if there was going to be a time period on how long the Association would have on making this happen or how long can they hold onto the land. No time period involved. However, if the Town finds that there could be another use for this the land which is highly unlikely, then RFP would not be issued. No Town resources will be used for this project. If for whatever reason the Alumni Association dissolves then the School Department would have a building that was built at no charge to them to be used however they deem fit. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Bill Martin spoke in favor of the article. He emphasized how important the function room would be as an asset to the Town. It would be another meeting area available. It will be a wonderful asset to the Town. He asked for support. John Goffin a member of the Historic Commission expressed the possibility of being able to store historic records other then the Town's at the facility. Terry McSheehy the President of the Alumni Association said that the basement area is where the records will be stored and it will be constructed with the consideration of not only CHS records being stored there but other organizations as well as possibly the Town's historic records. Dennis Ready moved the question to stop debate. The Moderator asked for a show of hands, **motion carried.** He asked for a vote by way of a show of hands. He declared that the **motion carried, by recognizing the 2/3's vote by-law.**

UNDER ARTICLE 5. Town Manager Paul E. Cohen moved that the Town vote to appropriate the following sums to operate the Sewer Enterprise:

Direct		
Personnel Services		$ 585,365
Expenses		$ 1,682,784
	Subtotal	$ 2,268,149
Indirect		
Administrative Costs		$ 252,397
Employee Benefits		$ 139,504
	Subtotal	$ 391,901
	Total	$ 2,660,050

$2,268,149 to come from Enterprise revenues and $391,901 to be appropriated in the General Fund and funded from Sewer Enterprise revenues.

The Town Manager explained the article. This is money that is used from the sewer fees to offset the cost of the sewer budget. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any need to debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 6. Town Manager Paul E. Cohen moved that the Town vote to raise and appropriate $150,000 to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6.

The Town Manager explained that this is an annual appropriation. It is used at the discretion of the Finance Committee for emergency transfers. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 7. Town Manager Paul E. Cohen moved that the Town vote to raise and appropriate $323,781 to fund employee contract agreements between the Town and its collective bargaining units as follows:

- AFSCME Clerical & Dispatchers $ 95,015
- IAFF, Firefighters $100,165
- IUOE, Highway & Cemetery $ 18,509
- NEPBA, Superior Officers $ 28,433
- NEPBA, Patrol Officers $ 81,659

The Town Manager explained that the unions mentioned in the article had been without a contract since June of 2006. He appreciated the assistance given on both sides the collective bargaining units and the administrative personnel on reaching their contract settlements He listed some of the agreed conditions. The co-payment for health insurance would go from $5.00 to $15.00 per office visit. Emergency room visits would

go from $25.00 to $50.00 per visit. The Police Cadets would receive reimbursement for their cadet schooling. Clothing allowance increases. The contracts will be up again in 2009. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 8. Town Manager Paul E. Cohen moved that the Town vote to raise and appropriate $25,000 for the purpose of funding the sand purchase approved by the Town under Article 4 of the 1998 Special Town Meeting held April 27, 1998.

The Town Manager announced that this was the final payment for land that contains sand used for by the DPW for snow storms and other projects. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 9. Town Manager Paul E. Cohen moved that the Town vote to raise and appropriate $17,000 for the preliminary planning of a consolidated Fire Department Headquarters and Department of Public Works Facility. Said planning shall examine the efficiencies to be gained by a shared facility, recommend a location for a consolidated Fire-DPW Facility, complete a comprehensive fire station location study, and explore the establishment of a recycling center.

The Town Manager explained that the Fire and DPW facilities need attention. They need to be brought up to date in order to be in tuned with the 21st Century. Currently the DPW facility has environmental issues which need to be addressed. The new fire engine doesn't fit well in the current size garage which has structural issues. Also there could be needs that if combined the two departments could be shared. A committee was established on February 26, 2007 by the Board of Selectmen. Patrick Maloney who was the chairman of the successful School Building Facilities Committee has agreed to become part of this committee as the Chairman. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 10. Town Manager Paul E. Cohen moved that the Town vote that the sum of $10,000 be raised and appropriated for the purpose of compensating firefighters for work performed during off-duty work details, said sum to be off-set by the estimated receipts from fees charged for the detail work in accordance with Massachusetts General Laws, c. 44, section 53E.

The Town Manager explained that this article would allow the Fire Department personnel who work special details to be paid immediately. The Police Department has an account like this for their special detail work. The officers/firemen are paid by the Town through these accounts and then the account is reimbursed along with a 10% administration fee by the person/company who requested the detail. One particular detail that the Fire Department works is the Sewer Project because of blasting. The Moderator

asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 11. Dwight Hayward moved that the Moderator waive the reading of the actual article. The Moderator asked for a vote by way of a show of hands. Motion carried, unanimously. The Town Manager explained that these are housekeeping articles that according to state law need yearly approval by the Body. In the past they appeared separately. He felt it was better to just have one article listing all accounts then just taking one vote. Marianne Paresky asked if the amount of money shown for the Council of Aging was enough money. The Manager explained that it was. The Moderator asked for more questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.** The article reads as follows:

Town Manager Paul E. Cohen moved that the Town vote to authorize revolving funds under Massachusetts General Law, Chapter 44, Section 53E ½ for the following departments in Fiscal Year 2008 with expenditures from said funds shall be limited to a certain sum as specified during Fiscal Year 2008:

- Town Clerk: The receipts to be credited to the fund shall be from the collection of fees from rabies clinic, pound and adoption fees. The Town Clerk shall be authorized to spend money from the fund for the purpose of providing improvements associated with the dog pound and programs and expenses associated with the licensing of animals. Expenditures from the program shall be limited to $10,000 during Fiscal Year 2008.

- Council on Aging: The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip Program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip Program. Expenditures from the Senior Trip program revolving fund shall be limited to $300,000 during Fiscal Year 2008.

- Police Department: The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to $20,000 during Fiscal Year 2008.

- Inspection Department: The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to $9,000 during Fiscal Year 2008.

UNDER ARTICLE 12. Selectman Samuel P. Chase moved that the Town vote to appropriate $2,747,600 for the following capital projects:

FY2008 PROPOSED CAPITAL BUDGET

Function	Department /Location	Project	Expenditure
Municipal Administration	Planning & Development	Geographic Information Systems	$18,638
	Information Technology	Network Replacement	$300,000
		Municipal Administration Subtotal	$318,638
	Police	Cruiser Replacement	$174,347
	Fire	Pick-up Truck Replacement (2001)	$40,945
		Rescue Truck 1 Replacement (1987)	$245,670
		Public Safety Subtotal	$460,962
Public Works	DPW	Drainage Improvements	$100,000
		Road Maintenance	$100,000
		6-wheel Truck Cab & Chassis	$110,000
		Sidewalk Construction	$100,000
	Cemetery	Backhoe Replacement	$38,000
		Public Works Subtotal	$448,000
Public Schools – Public Facilities	Byam Elementary	Parking/ Driveway Replacement	$140,000
	Harrington Elementary	Floor Tile Replacement	$112,000
	Westlands Elementary		
	South Row Elementary		
	McCarthy Middle	Chalkboard Replacement	$40,000
		Locker Replacement	$87,000
	Parker Middle	Chalkboard Replacement	$25,000
	High School	Chalkboard Replacement	$46,000
	Building Committee	Roof Replacement	$750,000
	Town Offices	Window Replacement	$95,000
		Public Facilities Subtotal	$1,295,000
Public Schools	Technology	Classroom Computers	$225,000
		School Department Subtotal	$225,000
CAPITAL PROJECTS TOTAL			$2,747,600

And fund said appropriation, that $758.83 be transferred from ATM-00-10; $15,045.36 from ATM-02-16; $132,168.58 from ATM-04-14; $99,627.23 from ATM-05-14; and that the Treasurer, with the approval of the Board of Selectmen, to borrow an amount, not to exceed $2,500,000 under Massachusetts General Laws Chapter 44, Section 7 and 8 or any other enabling authority to fund these obligations.

The Town Manager showed a slide with the current members of the Committee. He then went over the article clarifying the requests if it wasn't specific. Under the Information Technology Network Replacement he explained that the current network is no longer accurate and needs updating. Technology has come a long way since this network was first installed. This would tie in all Town Departments including the Schools and Administration to be under one network. The Town and School has left the free I net that Comcast had provided. Both still use Comcast but pay by a building to building need. Under Police this would replace five cruisers. Under DPW the drainage work would be done over the summer on Smith St and Warren Ave. Sidewalks would be constructed on the Center end of Littleton Rd and on Maple Road towards Parkerville Rd. Under the Public Facilities he explained that this is an ongoing project to replace all the old chalk black boards with white boards in the schools mentioned. The roof would be replaced at the Parker School and finish the window replacement project started a few years ago at the Town Office Building. The Moderator asked for questions. Evelyn Thoren and Kevin Porter questioned the Information Technology figure for network replacement. Evelyn Thoren wanted to know if this amount covered the total amount of lines to be installed. And was there going to be an Administrator of some sort to oversee this? The Manager said yes and explained that Dennis Bak, Chairman of the Committee had addressed these questions in his report at the beginning of the previous meeting. Kevin Porter expressed concerns of the Town taking over the Schools IT Department. The Manager explained that when completed this would be like the Facility Department. Both Town and School would use the Department for support and other areas dealing in IT while still having their own administrators dealing with the day to day operations. Frank Barre questioned the roof repair at the Parker School, wasn't this part of the $31 million dollar override project. The Manager explained that this item by it's self was too costly for the project it was dropped and decided to address it separately. This allowed other needs to be addressed under the project. William Griffin questioned if the IT Committee considered the new Fire Station if one was to be built. Yes it did. Thomas Crowe questioned the computer item. Why did the Library have to include the computers in their budget and the School Department didn't. The Manager explained that a majority amount of the money re-captured for this article came from money from school projects that didn't cost as much as had been appropriated. The Capital Committee made this one time special exemption for the School Department with the understanding that there will be no future purchasing of computers for any department. Sheila Pichette questioned if the entire roof would be replaced at the Parker. She questioned the white board and locker replacements. Gary Persichetti the Director of Public Facilities came forward and explained that it would be a new roof at the Parker. The lockers were being replaced because parts are no longer available. If possible, when parts from the old lockers can be used this is done prior to purchasing any new ones. Kathleen Latina questioned why the driveway at the Byam School is being replaced when last year the appropriation for driveway work at the South Row hasn't even started yet? Gary Persichetti said that South Row is scheduled for June 16th right after school gets out. Karen DeDonato questioned if the School Committee actively seeks computer donation from corporations. Bruce Forrester the MIS director said that when possible they do. However, consideration has to be made with what is being donated. In a lot of cases the computers are becoming obsolete and this is why the companies are replacing them. The cost of replacement parts maybe cost prohibitive or unavailable. The Moderator asked for more questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 13. Dwight Hayward moved that the Moderator waive the reading of the actual article. The Moderator asked for a vote by way of a show of hands. **Motion carried, unanimously.** Robert Morse came forward and explained that this is a requirement by law that the Body vote to transfer money from the Preservation Account into certain areas that have been established also by law. Thomas Fall questioned what was the balance of money in the reserve account at this time? The amount is $570,000.00. The Moderator asked for any more questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.** The article reads as follows:

Selectman Philip M. Eliopoulos moved that the Town vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation budget and:

A. To appropriate from FY2008 Community Preservation Fund revenues the following:

(1) $50,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2008;

and further,

B. To reserve for future appropriation amounts from FY2008 Community Preservation Fund revenues as recommended by the Community Preservation Committee:

(1) $100,000 for the acquisition, creation and preservation of open space excluding land for recreational use,

(2) $100,000 for the acquisition and preservation of historic resources,

(3) $100,000 for the creation, preservation and support of community housing;

(4) $650,000 for the Community Preservation Fund FY2008 Budgeted Reserve

All other monies in the Community Preservation Fund shall remain undesignated until further recommendations by the Community Preservation Committee and action thereon by the town Meeting.

UNDER ARTICLE 14. Selectman Philip M. Eliopoulos moved that the Town vote to appropriate from available funds the sum $100,000 from the Community Preservation Fund Community Housing Reserve for use by the Chelmsford Housing Authority for the purpose of "buying down" to an affordable rate existing housing units.

Robert Morse explained that David Hedison Executor Director of the Housing Authority could not be at the meeting due to a prior commitment. He proceeded to give a little history. So far between the money received from the State and the money transferred from the Preservation Fund, the Town was able to buy down ten units. By doing this it makes the units qualify as affordable. A two bedroom unit needs to be able to sell for $145,000.00 in order to be considered "affordable" Typically the type of units

bought are the units in apartment buildings that have been converted into condo's. Marianne Paresky questioned why these units aren't all in one location. It was explained that the CHA wants to spread the housing units through out the Town and not be all in one place. She questioned the wording of the deeds and why some of these owners when selling a unit were able to make a profit. Andrew Sheehan said that this may have been the case in the 80's. However, there is now language in the deeds that avoids the affordable units from being sold for profit and this would keep the in the inventory of affordable units. The Moderator asked for more questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 15. Selectman Samuel P. Chase moved that the Town vote to delete Chapter 174, Section 2 of the Chelmsford Code regarding the closing of Pond Street to vehicular traffic from June 15 to September 15 yearly.

The Town Manager explained that for many years this road was closed during certain times of the year because of the access to the beach owned by the South Chelmsford Village Improvement Association (SCVIA). The neighborhood had been in favor of this arrangement, then last year the beach property was sold to a private citizen and the beach has no public access so the by-law no longer needs to exist. Therefore the Manager recommends that the road remain open all year round and that it be graded and made passable. Evelyn Thoren asked what the cost of this improvement would be. Minimum cost. This is a necessity for public safety vehicles as well as the public. The Finance had no recommendation of the article. The Board of Selectmen were in favor of the article. Richard Lynch, Bowman Evans and John Morrissey all from the beach neighborhood spoke in favor of the article and asked that the Body support the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 16. Selectman Samuel P. Chase moved that the Town vote to amend Chapter 106, Section 2 of the Chelmsford Code by striking the words "Town Manager" and by inserting the bolded and underlined words "Board of Selectmen" in the first sentence of paragraph A to read as follows:

A. There shall be a Personnel Board consisting of five members, four of whom shall be known as "public members" and shall be appointed by the ~~Town Manager~~ Board of Selectmen.

The Town Manager explained that this is basically a housekeeping article as the result of a Charter change voted at last fall's town meeting and ratify as a question on the Town Ballot last month. This would allow the General By-laws to be brought up to date with the Charter. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 17. The Town Manager explained that at the October 17, 2005 Fall Town Meeting, the Body voted to amend the Recycling by-law. In doing so

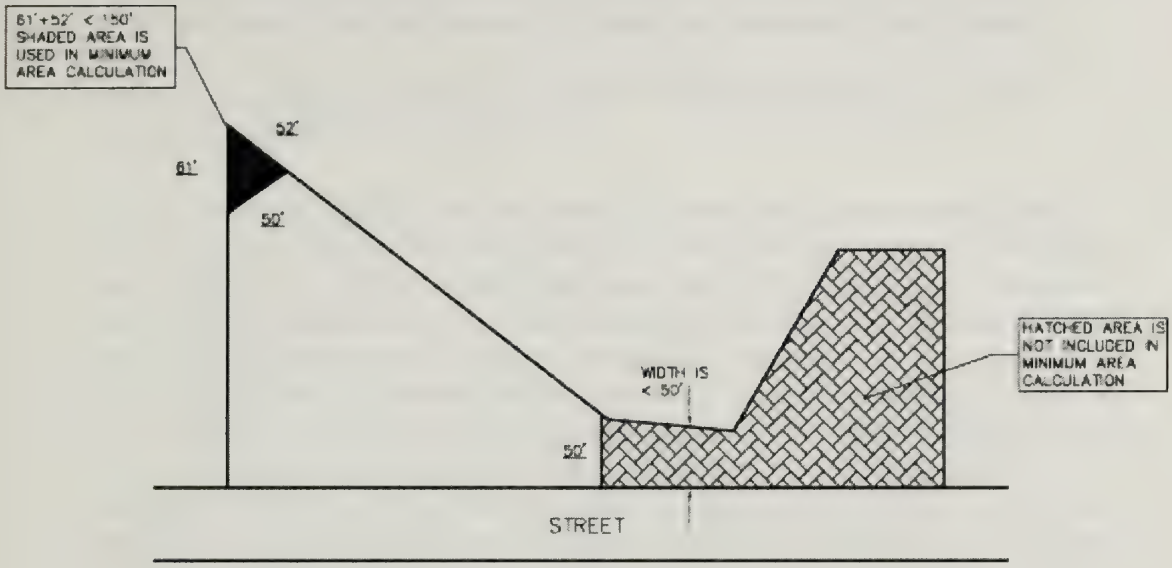
the sentence regarding the removal of recyclable material by anyone except the hauler was dropped. This was discovered when a person who had been charged went to court and the Town had to drop the charge because this section no longer existed. Clare Jeannotte questioned if this was really necessary. The Manager explained that this is nothing new it had been part of the by-law. Residents do not want people taking items or going through their trash. In a lot of cases items are thrown to the side and a mess is created. Brian Latina suggested that perhaps a by-law may be made to require that residents just leave their bottles and cans outside next to the recyclable bin then they are easily accessible. Kathryn Torres questioned if she put an item on her curb with a free sign would she be in violation. No because it is not an item that is being removed from the trash or recycle bin plus by putting free she is giving permission to remove the item. Raymonde Legrand said she lives on a street that on every recycle day a man in a car pulls up to her front yard and removes items. She questioned if these items are being removed isn't that taking money away from the Town. Doesn't the Town get the money for the deposit bottles picked up? The Town Manager said no not with the present contract, the hauler keeps any monies if there are deposit bottles left in the bins. However, that doesn't mean that the next contract might have wording saying that the Town is to be reimbursed. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Dennis Ready moved to stop debate. The Moderator asked for a vote by way of a show of hands, **motion defeated**. Dennis Sheehan moved that the article be amended to have the fine be $25.00 instead of $100.00 for the first offence and then any subsequent offenses be a fine of $100.00. He felt that if someone was going through trash to earn money they were more then likely unable to afford the $100.00 fine for the first offense. This would be a right and fair amount for the first offense, then if the person violates the by-law again the fine would be $100.00. The Moderator asked for a vote on the motion to amend, **motion carried.** The Moderator asked if there was any more debate, hearing none he asked for a vote by way of a show of hands on the article as amended. **Motion carried, unanimously.** The article reads as follows:

Selectman Samuel P. Chase moved that the Town vote to amend the Chelmsford Code Chapter 137-2, Recycling, by inserting the bolded and underlined text as follows:

§ 137-2 Recycling

Restricted Material:
To insure compliance with the State solid waste facility regulation, 310 CMR 19.017, which prohibits the disposal as trash of certain recyclable materials, it shall be unlawful to have the following materials disposed of in, or collected with the trash. The Town shall direct its contracted waste hauler, which is obligated to comply with all State and local laws, not to collect any such visible recyclable materials with the trash. <u>It shall be unlawful for any person other than the contracted recycling hauler to remove any such recyclable materials placed out for collection for the contracted recycling hauler. Violation of this subsection shall punishable by a fine of $25.00 for the first offense and subsequent offenses $100.00.</u>

<u>UNDER ARTICLE 18.</u> Chairman of the Planning Board Susan C. Sullivan moved that the Town vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article XX Terminology, Section 195-108 Word Usage and Definitions, by amending the definition of **Lot Area** by inserting the following diagram:



Andrew Sheehan Community Development Director explained that the current by-law does not address land that is shaped like the diagram in the article when it comes to calculating a lot area. This would not apply to any existing lots, only lots that would be created in the future. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Susan Sullivan, Chairman of the Planning Board gave the Board's recommendation. The Board held a public hearing on March 14, 2007. The Planning Board unanimously recommends in favor of the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. He declared that the **motion carried, by recognizing the 2/3's vote by-law.**

UNDER ARTICLE 19. Dwight Hayward moved that the Moderator waive the reading of the actual article. The Moderator asked for a vote by way of a show of hands. **Motion carried, unanimously**. Andrew Sheehan Community Development Director explained that this would add one more sentence to the current by-law. Up until a few years ago the by-law was fine, however, there have been cases that oversize garages or accessory buildings are being built to accommodate a commercial venture along with housing vehicles, in a residential neighborhood. It has come to the Planning Board's attention by-way of the Building Inspector that the definition needs to be more specific in order to enforce and prevent these types of situations unless a special permit is granted by the Planning Board. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Susan Sullivan, Chairman of the Planning Board gave the Board's recommendation. The Board held a public hearing on March 14, 2007. The Planning Board unanimously recommends in favor of the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **The motion carried, unanimously**. The article reads as follows:

Chairman of Planning Board Susan C. Sullivan moved that the Town vote to amend the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article IV Dimensional Regulations, Section 195-11, by inserting the following text: "An accessory

building with a footprint greater than 900 square feet, or with a building height in excess of 20 feet, or of two stories or greater shall be subject to a Planning Board special permit." The section will read as follows, with new language underlined in bold:

> ~ 195-11. Accessory buildings. [Amended 10-21-1999 ATM by Art. 29; 10-15-2001 ATM by Art. 20]
>
> No accessory building or structure, except a permitted sign or roadside stand, shall be located within a required front yard area. Detached accessory buildings may be located in the rear or side yard areas and on the same lot as a principal building, provided that not more than 25% of the required yard area shall be so occupied, and further provided that a swimming pool shall not be located nearer than 10 feet from the principal building and shall be at least 10 feet from any side or rear lot line. An accessory building attached to its principal building or within 10 feet of it shall be considered an integral part thereof and as such shall be subject to the front, side and rear yard requirements applicable to the principal building. An accessory building smaller than 260 square feet shall not be located closer than 10 feet to any side or rear lot line. An accessory building larger than 260 square feet shall be subject to the front, side and rear yard requirements applicable to the principal building. <u>An accessory building with a footprint greater than 900 square feet, or with a building height in excess of 20 feet, or of two stories or greater shall be subject to a Planning Board special permit.</u>

<u>UNDER ARTICLE 21.</u> Chairman of Planning Board Susan C. Sullivan moved that the Town vote to amend the Chelmsford Code, Chapter 195, Zoning, Section 195-3, Official Zoning Map, to change from RB Single Residence Zone to P Public Zone, the land off Putnam Road, Harding Street, and Sheila Avenue, shown on Assessors Map 12 as Parcels 17-1, 17-4, and 17-5, and being shown on a plan of land recorded with the Middlesex North District Registry of Deeds at Plan Book 223, Plan 73.

Andrew Sheehan Community Development Director explained that this pertains to the land that is located beyond the Senior Center that was transferred to the Chelmsford Housing Authority. This would change the zoning destination from single family RB to Public P which is consistent with the other parcels owned by the Chelmsford Housing Authority. George Merrill raised questions asking if the CHA was aware that the wetland area located on these parcels had been filled in when the North School was built on the site. Yes they were. There is also ledge located on the property. Was the CHA aware of this? Andrew Sheehan wasn't sure if the CHA knew this, however, that the first phase of the project will not be in that particular area. The CHA will be using a civil engineer so they will be informed of this matter. There was also a ball field located on the back part with a back stop and the area is extremely wet. Andrew Sheehan said he would tell the CHA this information. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Susan Sullivan Chairman of the Planning Board read the Board's recommendation. . The Board held a public hearing on March 14, 2007. The Planning Board unanimously recommends in favor of the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

<u>UNDER ARTICLE 23.</u> Selectman Samuel P. Chase moved that the Town vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the

Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land located and identified on Shore Drive, shown as Lot 32 on Assessor's Map 24, Block 48 containing 4,638 square feet, more or less, and more fully described in a deed recorded on May 9, 1985 in the Middlesex North Registry of Deeds in Book 6051, Page 54.

The Town Manager explained the article. This is Town owned land right next to Freeman Lake by an abutter who wishes to purchase the land. It is land that was acquired through tax title foreclosure, it is 46,000 square feet valued at $11,000, and it an un-developable piece of land. It's only use would be to combine it with the abutter's parcel to increase their lot size. The owner can use it for an accessory structure but there is not enough land when combined to allow the lot to be subdivided and a house put on it. Peggy Dunn questioned if the land had clear title. The Manager explained that as far as the Town was concern it did, however it is up to the buyer to do a title search if there were any doubts. The Town is not going to go through this expense for a piece of land this size with so little value. Karen DeDonato questioned if the abutters in the area were notified. The Manager explained that when this goes out for bid the abutters then will be notified. Karen Kowalski questioned if a price has been determined. It will be close to the assessed value. Brian Latina questioned where the money goes to from this sale. The Manager explained that it goes into the sale of surplus land fund. The Town can then use the money to purchase land at a future date. It cannot go into the general fund. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**

UNDER ARTICLE 24. The Moderator explained that this article had been withdrawn and no action was to be taken. The Article read as follows:

To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land located and identified at 3A Stillwater Drive, shown as Lot 11 on Assessor's Map 119, Block 448 containing 0.56 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 17554, Page 53; or act in relation thereto.

UNDER ARTICLE 25. The Moderator explained that this article had been withdrawn and no action was to be taken. The Article read as follows:

To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcels of land located and identified at 12 Bentley Lane, shown as Lot 6 on Assessor's Map 71, Block 311 containing 0.90 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301; or act in relation thereto.

UNDER ARTICLE 26. The Moderator explained that this article had been withdrawn and no action was to be taken. The Article read as follows:

To see if the Town will vote to transfer to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any held by the Town in all or a portion of a certain parcel of land as located and identified at 15 Bentley Lane, shown as Lot 17 on Assessor's Map 71, Block 306 containing 0.69 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301; or act in relation thereto.

UNDER ARTICLE 27. Dwight Hayward moved that the Moderator waive the reading of the actual article. The Moderator asked for a vote by way of a show of hands. **Motion carried, unanimously.**

James Pearson the DPW Director said that Buttercup Lane was listed in error. It had already been accepted at a previous town meeting and just needed a formal vote by the BOS. He explained the purpose of the article and location of each street. Basically, the streets shown are either completed or about 90% done. There is a punch list of minor details that need to be addressed once this has happened more then likely within the next sixty days or so, he will make a formal recommendation to the BOS for their final vote then the streets will become public ways. Karen DeDonato questioned if the residents of the streets were notified of this article in case they had problems or concerns. He explained that this is a two step process. This must be accepted by a vote of town meeting, and then the BOS must vote to accept it, that is when the residents come and express any and all concerns if any. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.** The article reads as follows:

Selectman Samuel P. Chase moved that the Town vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by reports duly filed in the office of the Town Clerk:

Buttercup Lane	Morning Glory Circle
Evan's Way	Sanford Road (Extension)
Holly Lane	Talbot Lane
Lady Slipper Lane	Woodlot Lane

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements; and to see if the Town will vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto.

UNDER ARTICLE 28. Selectman Samuel P. Chase moved that the Town vote to authorize the Board of Selectmen to acquire a drainage easement by purchase, eminent domain, or otherwise, for property located in the Town of Chelmsford, Massachusetts on Brick Kiln Road, as identified as Lots 1, 2 and 3 on Assessor's Map 77, Block 268 in accordance with a plan on file in the Town Engineer's Office.

James Pearson the DPW Director explained that the DPW needs to put in a drain in order to repair a situation. This is the ground work to allow the project to begin. The Town will still have to go before Conservation and abutters will be notified and plans will be presented. Once approved, the work will begin. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**

UNDER ARTICLE 29. Selectman Samuel P. Chase moved that the Town vote to authorize the Board of Selectmen to acquire a drainage easement by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts at 88 Garrison Road and 90 Garrison Road, identified as Lots 5, and 3, on Assessor's Map 107, Block 437 in accordance with a plan on file in Town Engineer's office; And further, that the Town raise and appropriate $300 for recording said transaction at the Registry of Deeds.

James Pearson the DPW Director explained that this situation has been discussed and approved by the Conservation Commission. The two property owners agree and once the Body approves the article the project can begin. The Moderator asked for questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously**

UNDER ARTICLE 30. The Moderator explained that this article had been withdrawn by the petitioner and no action was to be taken. The Article read as follows:

To see if the Town would vote to approve the following citizen petition:

"This is a formal request to rescind the proposed plan to expand the Cranberry Bog Reservation parking area up to 10 spaces. This site is directly opposite #79 Elm street and south of #54 Elm Street in rural South Chelmsford."

UNDER ARTICLE 31. The Moderator explained that there was no signed motion for this article therefore no action will be taken at this time. The Article read as follows:

To see if the Town would vote to approve the following citizen petition:

"The Board of Health in conjunction with Town Counsel shall follow the proper interpretation of the applicable laws and definitions related to the lifeguard requirement as per the adopted Massachusetts General Laws (M.G.L.) 105 under Commonwealth of Massachusetts Regulations (C.M.R.) 435, and shall consult the

Massachusetts Attorney General's office for legal opinion on their interpretation prior to implementing this requirement for semi-public swimming pools located on private residential dwellings such as condominiums, townhouses, and apartment buildings."

Seeing that there was no further business, the Moderator moved to adjourn the Town Meeting sine die. He asked for a show of hands, **motion carried, unanimously.** The meeting adjourned at 10:55 PM.

_____ _____

Dennis E. McHugh, Moderator Elizabeth L. Delaney, Town Clerk

TOWN OF CHELMSFORD

WARRANT FOR SPECIAL TOWN MEETING
June 21, 2007

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Thursday, the twenty-first of June, at 7:30 PM in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To see if the Town will vote to approve the Tax Increment Financing Agreement between the Town and Circle Company Associates, Inc., substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("the 300 Apollo Drive Economic Opportunity Area"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the 300 Apollo Drive Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.

SUBMITTED BY: **Board of Selectmen**

ARTICLE 2. To see if the Town will vote to authorize the Sewer Commission to enter into an intermunicipal agreement with the Chelmsford Water District pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 4A, for the purpose of including in the construction contract for the Burning Tree Lane Area Lateral Sewer Project, Contract No. 06-1, being undertaken by the Sewer Commission certain water distribution system upgrades in the same area, said intermunicipal agreement to provide that the Chelmsford Water District shall be responsible for paying the portion of the construction contract price for those costs attributable to the water distribution upgrades in the amount of $424,533.02, plus engineering costs as agreed to by the Sewer Commission and the Chelmsford Water District, and to pay any additional costs that are due and payable under the construction contract attributable to the water distribution system upgrades provided any such additional costs are incurred with the prior consent of the Chelmsford Water District; or to take any other action relative thereto.

SUBMITTED BY: **Town Manager**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 4th day of June, 2007.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Samuel P. Chase, Chairman

Philip M. Eliopoulos, Vice Chairman

Clare L. Jeannotte, Clerk

William F. Dalton

Patricia Wojtas

NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following date and time for continued sessions of the Town Meeting of June 21, 2007:

Monday, June 25, 2007 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the following Thursday, and Monday of the consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. 6-5-, 2007

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

SPECIAL TOWN MEETING
June 21, 2007

The Special Town Meeting was called to order at 7:40 PM at the Senior Center on 75 Groton Rd. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **123** Town Meeting Representatives present. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. The Moderator instructed the Body to observe where the fire exits are located in the room and then went over the rules and procedures of the meeting regarding amending motions and debate. Town Counsel John Giorgio is available to the Body to answer any questions.

Selectman Samuel P. Chase moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. **Motion carried, unanimously**. Selectman Samuel P. Chase moved that the reading of the entire warrant be waived. **Motion carried, unanimously**.

The Moderator made an announcement concerning the Annual Fall Town Meeting. October 15th which is the third Monday in October and according to the by-law that is when the Fall meeting is to begin scheduled. Due to the resignation of Congressman Martin Meehan there will be a Special State Election on Tuesday October 16th. The Board of Selectmen have voted to open the Fall Town Meeting on October 15th, then adjourn immediately to Thursday October 18th. That is when the articles will be addressed. Due to the situation, tellers will not be available for taking attendance on October 15th therefore the Representatives will not be marked absent. He asked that the Representatives make note of this change in case they had other commitments the following week because there is a possibility that the meeting could be continued to the following Monday.

UNDER ARTICLE 1 Selectman Samuel P. Chase moved that the Town vote to approve the Tax Increment Financing Agreement between the Town and Circle Company Associates, Inc., substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("the 300 Apollo Drive Economic Opportunity Area"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the 300 Apollo Drive Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement.

The Town Manager Paul Cohen addressed the Body, he thanked the Representatives for attending the meeting. He explained that together he and Andrew Sheehan, Director of Community Development will present the article and take questions from the Body. He first noted and thanked Andrew Sheehan and Finance Director/ Tax

Collector/ Treasurer Kerri Spiedel for their tireless efforts and contributions they made regarding this project. He thanked the Board of Selectmen and the Finance Committee for their support of the article. The location of this property is at 300 Apollo Drive. The TIF agreement would be for the Circle Company Associates Inc of Boston, and Ontario. He then introduced the Circles Representatives who were present. Hugh Merryweather, Chief Financial Officer, Sue Pronco, Director of Risk Management and Brian M. Cohen, Director of Consulting Services Richards Barry Joyce & Partners. He also noted that Brian Cohen is not related to him. He explained that this is a 300,000 square foot office building which has been vacant since 2005. Circles would lease 39,132 square feet of this property. Circles function is to offer concierge and personal assistance services to corporate clients. He explained what a TIF agreement is. A company is offered an exemption in their assessed value of real-estate taxes over a period of time. If this is voted, Circle would be allowed tax breaks from the State which would be a 5% State investment tax credit on their corporate excise tax. In the past, the Body had voted for two TIF's. In October of 2004 Hittite Microwave Corporation at 20 Alpha Rd was granted a TIF and it is current. In May of 2000 a TIF had been established for Unisphere Solutions on 1 Executive Dr but that has since been dissolved. He explained that as recently as last year the Town had worked on securing a TIF for Motorola at 300 Apollo Dr but in the end they went to the Cross Point Towers located in the City of Lowell. A TIF agreement remains in effect only as long as all projected jobs and capital investments are attained. Annual Reports must be filed by the end August. The agreement is not transferable. It is used only for the company it is assigned to. If the company wishes to expand in the future its square footage of space it will require a new TIF agreement and another Town Meeting vote. Andrew Sheehan then gave a presentation. He listed the different companies that had been located on the site and since left. Currently all the Town is receiving is the real-estate taxes, if this was to pass a lot of other companies within the Town would benefit; more income for the various food establishments, and other stores. There would be more income for the Town because of the improvements done to the property. If for whatever reason the Company was to leave this location the TIF ends immediately. He explained the actual details of the proposed TIF for Circles. The Company is planning on making a $5 million dollar investment in tenant improvements, in IT, infrastructure furnishings, fixtures, & equipment. They will make $3.9 million in rent payments over the first eight years. This would all total for an estimated assessed value increase of $1.5 million dollars. Currently the company has six hundred employees. If they came to Chelmsford this would be a corporate expansion in which a service delivery facility would be created. By doing this expansion they estimate that they will create three hundred and thirty new jobs within the first two years. There would be thirty management positions with salaries of $40,000-$150,000, seventy four professional positions with salaries of $35,000-$70,000 five technical positions with salaries of $40,000-$90,000. And finally, two hundred and thirty skilled positions with salaries of $14.00 per hour. These are potential job opportunities for Town residents. Advertisements would be done in the local papers as well as job fairs held at a local hotel. Once established a trickle effect would occur. This facility would add business to the surrounding businesses already located in Town. It would increase the Town's economic activity. Food establishments, department stores and others would all gain from this facility. Currently the building is a 300,000 square foot office building owned by

American Industrial Properties REIT, Inc. Trustee of USAA Properties IV Trust which has been vacant since 2005. The past owners were Apollo Computer, Hewlett Packard, and Cisco Systems. The current assessed value is $20,581,400. Circles would lease 39,132 sq feet, or 12.88 % of the building. A TIF agreement is a property tax exemption on the additional "incremental value" added to a property. Increment is the difference between the beginning assed value (known as the base valuation) and the assed value going forward in time. If this article passes, the base valuation will begin in FY 2008 which is July 1, 2007. The taxes on the base valuation are not exempted by the TIF he explained only the incremental value, which in this case would be Circle's investment to the property. This TIF would only apply to the Circle's leased portion of the building. If any other businesses were to come into the building they would pay full taxes. There will be no shifting of taxes to property owners to make up for the exemption. He asked the Body to refer to the handout which shows the breakdown of these details. He reminded the Body that these are estimated figures only based on current and historic trends. The current taxes for the entire property are $257,885. The pro rated figure for Circles portion would be $33,216. This figure is not exempted and will grow with inflation. Currently there is no business on the property. This is an opportunity to have a portion of it active. If Circles wanted to expand in the future they would have to come back to the Body and seek another TIF agreement. Circle has expressed that they did in fact communicate with the Town of Marlboro regarding this issue. However, they felt that Chelmsford had a lot to offer due to its location and surrounding business opportunities in the area. This is a great prospect for the Town to take advantage of it would be a win win situation and he asked that it be supported. Questions were asked by Deirdre Connolly, Kate Torres, Tom DePasquale, which had already been addressed in the presentation but explained again. Kathy Tubridy questioned the percentages shown on the chart. Art Carney questioned the assessed value and what the lease agreement was. Marian Paresky questioned if the jobs were all going to be physically located in Town and not on line. Yes all in Town. Would there be benefits paid to these employees, it was indicated by the Circles Representatives yes benefits would be available. Karen Kowakski questioned if local businesses would be used at contacts for the company. The company has current contracts in place that support their operation, however more than likely if other services could be provided by local business they certainly would be considered. The Manager explained that Circles is a good "corporate citizen" if granted the TIF when they arrive they plan on contributing to the community and its various organizations. Jim Lane asked if current business were eligible to apply for a TIF or if this only applied to new businesses coming into Town. Any business could be eligible if they met the criteria. Samuel Poulten asked if there was a downside to the proposal. No there would not be. Brian Latina questioned if the Town of Marlboro had been contacted to see if in deed Circles had approached them, and would they consider coming to Town if no TIF agreement was offered. No Marlboro was not contacted and more likely then not if there is no agreement they would not come to Chelmsford. The Moderator asked for the Finance Committee's recommendation. The Finance Committee was in favor of the article. The Board of Selectman recommended the article. Glenn Thoren spoke in favor of the article. He thanked Andrew Sheehan for his presentation and felt that this would be a great opportunity for the Town to take advantage of. He thanked Circles for approaching the Town and for considering it in this proposal and asked that the

Representatives support them by voting for it. Dennis Ready moved the question. The Moderator asked if there was any need to hear further debate. Hearing none he asked for a show of hands on the motion. **Motion carried, unanimously**. He then asked for a show of hands on the motion. **Motion carried**.

UNDER ARTICLE 2. Selectman Samuel P. Chase moved that the Town vote to authorize the Sewer Commission to enter into an intermunicipal agreement with the Chelmsford Water District pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 4A, for the purpose of including in the construction contract for the Burning Tree Lane Area Lateral Sewer Project, Contract No. 06-1, being undertaken by the Sewer Commission certain water distribution system upgrades in the same area, said intermunicipal agreement to provide that the Chelmsford Water District shall be responsible for paying the portion of the construction contract price for those costs attributable to the water distribution upgrades in the amount of $424,533.02, plus engineering costs as agreed to by the Sewer Commission and the Chelmsford Water District, and to pay any additional costs that are due and payable under the construction contract attributable to the water distribution system upgrades provided any such additional costs are incurred with the prior consent of the Chelmsford Water District.

The Town Manager explained that this is a State law that requires before any two separate municipal entities work together they must have a contract agreement on what work is going to be performed and it would require a vote of this Body. This is the case with this article. The Water District is not part of the Town's government as is the Sewer Commission; therefore this requires a Town Meeting vote in order to proceed with the project. The Moderator asked if there were questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

Seeing that there was no further business, Selectman Philip Eliopoulos moved to adjourn the Town Meeting. He asked for a show of hands, **motion carried, unanimously.** The meeting adjourned at 8:50 PM.

_____ _____

Dennis E. McHugh, Moderator Elizabeth L. Delaney, Town Clerk

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

Middlesex SS.

either of the Constables of the Town of Chelmsford

GREETING:

the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who qualified to vote in the Special State Primaries to vote at

Precinct 1.	Town Offices Gymnasium, 50 Billerica Road
Precinct 2.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 3.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 4.	Westlands School Cafetorium, 170 Dalton Road
Precinct 5.	Byam School Cafetorium, 25 Maple Road
Precinct 6.	Westlands School Cafetorium, 170 Dalton Rd
Precinct 7.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 8.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 9.	Town Offices Gymnasium, 50 Billerica Road

TUESDAY, THE FOURTH OF SEPTEMBER, 2007, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Primaries for the candidates of political parties for the following office:

REPRESENTATIVE IN CONGRESS. . . . . 5th DISTRICT

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 6th day of August (month), 2007.

Samuel P. Emerson — William A. Dutton

Philip M. Eliu — Patricia Wigtes

Alan L. Jeannotte

Selectmen Town of: Chelmsford

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. August 8th, 2007

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence, Constable

A True Copy Attest:

William E. Spence

William E. Spence, Constable

TOWN OF CHELMSFORD SPECIAL PRIMARY SEPTEMBER 4, 2007

DEMOCRATIC SPECIAL PRIMARY SEPT 4, 2007

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REP IN CONGRESS 5th District										
Blanks	0	0	0	0	0	0	0	0	1	1
Eileen M. Donoghue	158	106	128	128	121	226	204	232	121	1424
James B. Eldridge	26	25	26	20	38	58	26	20	20	259
Barry R Finegold	26	21	17	26	36	38	30	35	23	252
James R. Miceli	14	21	20	8	10	15	17	17	11	133
Nicola S. Tsongas	163	109	124	114	122	188	160	176	160	1316
Jim Ogonowski Write-in	1									1
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	1	0	1	2	1	0	2	7
TOTAL	388	282	316	296	328	527	438	480	338	3393

REPUBLICIAN SPECIAL PRIMARY SEPT 4, 2007

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REP IN CONGRESS 5th District										
Blanks	2	0	0	0	0	0	0	0	0	2
Jim Ogonowski	141	73	108	83	96	130	147	157	121	1056
Thomas P. Tierney	11	6	8	4	11	11	7	12	8	78
Nicola Tsongas Write-in		1								1
Eileen M. Donoghue Write-in						1	1			2
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	2	0	0	0	0	0	0	0	0	2
TOTAL	156	80	116	87	107	142	155	169	129	1141

GREEN-RAINBOW SPECIAL PRIMARY SEPT 4, 2007

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REP IN CONGRESS 5th District										
Blanks	0	0	0	0	0	0	0	0	0	0
Jim Ogonowski Write-in	0	0	0	0	0	0	0	0	1	1
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	1	1

WORKING FAMILIES SPECIAL PRIMARY SEPT 4, 2007

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REP IN CONGRESS 5th District										
Blanks	0	0	0	0	0	0	0	0	0	0
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

Middlesex SS.

To either of the Constables of the Town of Chelmsford

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Special State Primaries to vote at

Precinct 1.	Town Offices Gymnasium, 50 Billerica Road
Precinct 2.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 3.	Harrington Elementary School Gymnasium, 120 Richardson Road
Precinct 4.	Westlands School Cafetorium, 170 Dalton Road
Precinct 5.	Byam School Cafetorium, 25 Maple Road
Precinct 6.	Westlands School Cafetorium, 170 Dalton Rd
Precinct 7.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 8.	McCarthy Middle School, Small Gymnasium, 250 North Road
Precinct 9.	Town Offices Gymnasium, 50 Billerica Road

on **TUESDAY, THE SIXTEENTH DAY OF OCTOBER, 2007,** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Election for the candidates for the following office:

REPRESENTATIVE IN CONGRESS. . . . . 5th DISTRICT

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 24th day of September, 2007.
(month)

Selectmen Town of: Chelmsford

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. September 26, 2007

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence, Constable

A True Copy Attest:

William E. Spence

William E. Spence, Constable

TOWN OF CHELMSFORD SPECIAL STATE ELECTION OCTOBER16, 2007

	Prec 1	Prec 2	Prec 3	Prec 4	Prec 5	Prec 6	Prec 7	Prec 8	Prec 9	TOTAL
REP IN CONGRESS 5th District										
Blanks	1	1	0	1	0	0	2	2	0	7
Jim Ogonowski	454	296	421	394	382	536	574	514	449	4020
Nicola S. Tsongas	415	275	367	283	368	508	468	470	390	3544
Kurt Hayes	17	8	4	5	10	9	7	8	6	74
Patrick O. Murphy	21	17	24	19	16	31	23	17	13	181
Kevin J. Thompson	3	4	2	2	1	2	1	2	3	20
Write-In	0	0	0	0	0	0	0	0	0	0
Misc	1	3	0	2	1	1	2	4	3	17
TOTAL	912	604	818	706	778	1087	1077	1017	864	7863

TOWN OF CHELMSFORD

WARRANT FOR THE
FALL 2007
ANNUAL TOWN MEETING

OCTOBER 15, 2007

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Town Offices, 50 Billerica Road, Room 204 on Monday, the fifteenth of October in the year two-thousand and seven at 6:30 p.m. in the evening and there to act upon the following articles, VIZ:

ARTICLE 1: To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 2: To see if the Town will vote to appropriate from Free Cash a certain sum of money to the Stabilization Fund; or act in relation thereto.

SUBMITTED BY: Board of Selectmen
Town Manager
Two-Thirds Vote

ARTICLE 3. To see if the Town will vote to transfer a certain sum of money from Special Revenue to the School Department, said funding coming from E-Rate reimbursements; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 4. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to pay the tuition for a Town of Chelmsford resident to attend the Minuteman Regional High School in the Minuteman Regional Vocational School District; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to pay bills of previous fiscal years; or act in relation thereto.

SUBMITTED BY: Town Manager
Four-Fifths Vote

ARTICLE 6. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to amend the Fiscal Year 2008 operating budget under Article 4 and Article 5 of the Annual Town Meeting held on April 30, 2007 for the payment of salary and wages for municipal personnel through June 30, 2008; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 7. To see if the Town will vote to amend the Fiscal Year 2008 operating budget under Article 4 of the Annual Town Meeting held on April 30, 2007, as follows:

Decrease Line Item # 8 (DPW Expenses) by $5,000
Increase Line Item # 10 (Sewer Commission Expenses) by $5,000

; Or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 8. To see if the Town will vote to rescind the excess borrowing appropriation for the purchase of Red Wing Farm under under Article 19 of the Annual Town Meeting held on May 2, 2002; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 9. To see if the Town will vote to appropriate from available funds a certain sum of money from the Community Preservation Fund Open Space Preservation Reserve and from the Community Preservation Fund General Fund for the purpose of open space preservation activities, including capital improvement projects for publically accessible open space properties, including improvements to Chelmsford Land Conservation Trust parcels; or act in relation thereto.

SUBMITTED BY: Town Manager
Community Preservation Committee

ARTICLE 10. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, two parcels of land, one of which is bordered by Acton Road, shown as Lot 36 on Assessor's Map 109, Block 421, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 11165, Page 157, and the other is bordered by Robin Hill Road, shown as Lot 32 on Assessor's Map 109, Block 421, and more fully described in a deed recorded with said Registry of Deeds in Book 11155, Page 6, said parcels to be under the care, custody, control, and management of the Conservation Commission and held for the purpose of open space; to authorize the Board of Selectmen to convey a perpetual conservation restriction in said parcels that meets the requirements of G.L. Chapter 184, § 31, as required by M.G.L. c. 44B, § 12 (a), as amended, and that said conservation restriction may be granted to any organization qualified and willing to hold such a restriction in accordance with G.L. c. 44B; and further to raise and appropriate, transfer from available funds, transfer from the Community Preservation Fund, and/or borrow pursuant to General Laws Chapter 44, sections 7 or 8, or Chapter 44B, section 11, or any other enabling authority, a certain sum of money to fund said acquisition, including related appraisal, survey, and legal costs, and other costs incidental and related thereto; and further to authorize the Board of selectmen to take all actions necessary to acquire said parcels; or act in relation thereto.

SUBMITTED BY: Town Manager
Community Preservation Committee
Two-Thirds Vote

ARTICLE 11. To see if the Town will vote to raise and appropriate, or transfer and appropriate from available funds, a certain sum of money for feasibility studies for the planning and construction of a new Fire Department Headquarters and for the planning and construction of a new Department of Public Works Facility with a recycling center; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 12: To see if the Town will vote to amend Article II, §1-2, of the Chelmsford Code by adding the following new subsection §1-2.A.(4): "When enforced through this noncriminal disposition procedure, the penalty for violation of any Town Bylaw, Rule or Regulation shall be as follows: $100 for the First Offense, $200 for the Second Offense, and $300 for the Third Offense. Each day upon which a violation exists shall be deemed to be a separate offense."; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 13. To see if the Town will vote to transfer the care, custody, management, and control of certain parcels of land located and identified at 12 Bentley Lane, shown as Lot 6 on Assessor's Map 71, Block 311 containing 0.90 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301 to the Board of Selectmen to be held for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any, held by the Town in all, or a portion of, said parcels; Said parcel shall be conveyed with a permanent deed restriction thereby prohibiting the future development of any new residential dwelling; or act in relation thereto.

SUBMITTED BY: Board of Selectmen
Two-Thirds Vote

ARTICLE 14. To see if the Town will vote to transfer the care, custody, management, and control of certain parcels of land located and identified at 15 Bentley Lane, shown as Lot 17 on Assessor's Map 71, Block 306 containing 0.69 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301 to the Board of Selectmen to be held for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any, held by the Town in all, or a portion of, said parcels; Said parcel shall be conveyed with a permanent deed restriction thereby prohibiting the future development of any new residential dwelling; or act in relation thereto.

SUBMITTED BY: Board of Selectmen
Two-Thirds Vote

ARTICLE 15. To see if the Town will vote to authorize the Board of Selectmen to acquire a permanent easement and property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for a portion of a certain parcel of land located on Smith Street in the Town of Chelmsford, Massachusetts, and further described and identified by a plan on file in the Department of Public Works Engineering Division entitled "Smith Street Permanent Right of Way Easement" dated June 25, 2007; and is incorporated herein by reference, for the purpose of constructing and maintaining public roadway improvements; And to see if the Town will vote to raise and appropriate and/or borrow a certain sum of money to defray all necessary costs, fees,

and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as the result of any such taking; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 16. To see if the Town will vote to amend the action taken under Article 27 of the Annual Town Meeting held on April 30, 2007 regarding the street acceptence for "Holly Lane" by approving the name of the roadway as "Holly Drive"; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 17. To see if the Town will vote to amend Chapter 195-3 Official Zoning Map, of the Chelmsford Zoning By-Law by changing the zoning of 44, 68, 70, 76, 80 Billerica Road from RB to RC.

SUBMITTED BY: Citizen Petition
Two-Thirds Vote

ARTICLE 18. The Planning Board, Conservation Commission and Zoning Board of Appeals shall be required to convene at least one joint meeting of the three boards annually, whether in addition to or replacing regular meetings, for the purposes of coordinating town policy positions relating to planning, development, conservation and zoning for the town of Chelmsford. Said meetings shall focus singularly on coordination between the named boards relating to shared policy interests for the coming fiscal year. Any additional joint meetings convened shall focus singularly on improving communication and coordination for the following fiscal years and to reflect on or correct errors in coordination and communication between the three named boards or act in relation thereto.

SUBMITTED BY: Citizen Petition

ARTICLE 19. The Board of Selectman shall be required to convene two meetings annually, whether in addition to or replacing regular meetings, for the purpose of planning long term strategic planning for the coming fiscal year. The remaining annual meeting shall focus singularly on long-term strategic planning meant to guide Chelmsford in a sustainable policy manner for periods ranging from five to fifty years or act in relation thereto.

SUBMITTED BY: Citizen Petition

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 24th day of September, 2007.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Samuel P. Chase, Chairman

Philip M. Eliopoulos, Vice Chairman

Clare L. Jeannotte, Clerk

William F. Dalton

Patricia Wojtas

NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of October 15, 2007 to be held at the Chelmsford Senior Center, 75 Groton Road, North Chelmsford then:

Thursday, October 18, 2007 at 7:30 p.m.

Monday, October 22, 2007 at 7:30 p.m.

Thursday, October 25, 2007 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10.

Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. Sept 26, 2007

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

ANNUAL FALL TOWN MEETING
October 15, 2007

The Annual Fall Town Meeting was posted to begin at 6:30 PM at the Town Office Building at 50 Billerica Road room 205. The Moderator Dennis McHugh and the Town Clerk Elizabeth L. Delaney were present, as well as some members of the general public. The Moderator declared that there not being a quorum of Town Meeting Representatives present he would adjourn the meeting immediately to Thursday night October 18th. The time will be at 7:30 PM and the location will be the Senior Center at 75 Groton Road. The meeting adjourned at 6:34 PM.

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

ADJOURN FALL TOWN MEETING
October 18, 2007

The Adjurned Fall Town Meeting was called to order at 7:40 PM at the Senior Center on 75 Groton Rd. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **134** Town Meeting Representatives present. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. The Moderator instructed the Body to observe where the fire exits are located in the room and then went over the rules and procedures of the meeting regarding amending motions and debate. Town Counsel Richard Holland is available to the Body to answer any questions.

Selectman Samuel P. Chase moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. **Motion carried, unanimously**. Selectman Samuel P. Chase moved that the reading of the entire warrant be waived. **Motion carried, unanimously**.

The Moderator then read an announcement to the Body from the Chairman of the Board of Selectmen Samuel Chase regarding the forming of an Ambulance Service Study Committee. Applications from any Chelmsford resident or business owner along with a resume were being accepted at the Town Manager's Office for this committee. Applicants must not have any current or prior affiliates with the CFD or with the current private ambulance service provider. Information is available on the Town's web site or by contacting the Town Manager's Office directly. Marianne Paresky questioned the procedures in regards to the upcoming reports. She wantedto know if the Moderator was going to allow questiones. The Moderator responded that questions would be allowed but no debate.

UNDER ARTICLE 1. Selectman Samuel P. Chase moved that the Town vote to hear reports of the Town Officers and Committees.

The Town Manger Paul Cohen came forward to present his reports. Before doing so he asked for a moment of time. He explained that Andrew Sheehan had left at the end of July and ntroduced to the Body the Town's new Community Development Director Evan Belansky. He then asked if the new School Superintendent Dr Donald Yetman was in attendance. Kathleen Duffet ,Chairman of the School Committee explained that due to previous commitments the Superintendent was unable to attend the meeting..

The Manager then requested that the Financial Director Kerry Spiedel come forward and present the Town's Financial Forecast. Kerry Spiedel explained the purpose of forecasting. It is required by the Town's Charter, by-law and Financial Management policies and objectives. Bond rating agencies are also favorably impressed with forecasting. Forecasting provides a long-term and comprehensive financial perspective on service delivery using both known information and hypothesis. Budgeting is a specific plan detailing service delivery in the coming fiscal year. She then went over the goals, key concepts and the guides and tools used. She then went over the Town's financial policies. She showed graphs displaying the trends, and debt services. She listed the

assumptions regarding service levels, future of the economy, revenue structure and cost of services. She explained that when are the assumptions and contractual agreements are totaled and the along with the ability to provide level services there is going to be budget deficits The projected deficits over the next five years are: for FY09 $2,035,137, for FY2010 $3,688,935, for Fy11 $5,944,797, for Fy12 $8,327,932 and for FY13 $10,653,340. She further explained that there are fiscal issues to be addressed; the Town can't sustain its level of spending. The Town must review all services to see if they are being provided in the most economical and efficient manner. Public input is needed to determine if the level of service is meeting the needs of the community. A leadership team was formed that includes a member of the Board of Selectmen, Town Administration, School Committee and School Administration along with the Finance Committee. This group has gone from meeting once a month to now once a week. There are joint meetings scheduled with the Board of Selectmen, School Committee and the Finance Committee which are opened to the public. The purpose is to review past and current service levels, long-term priorities, possible consolidations, and possible service reductions.

The Moderator asked for questions, hearing none the Manager said that Body would now hear a report of the Stipend Review Committee. Dennis Ready Chairman of the Committee came forward and explained that the Committee was formed this past August. The purpose was to review stipend and benefits and health benefits of the elected and appointed officials in Town. He explained that a stipend is basically a pay check. It is what the Town pays these employees. He listed the various members: Eric Dahlberg, Kenley Freeman, Christopher Garraghan, Fred Marcks, Bill Martin, Tom Moran, Sheila Pichette and Colleen Stansfield. This is the result of the charter change which allowed the Board of Selectmen to appoint a Committee to review and advice the Board on various issues that they must make a decision on. He said it was a well balanced committee and especially thanked Colleen Stansfied and Sheila Pichette for providing clerical and data base support. He went over the Committee's actions: Determined the Towns to be surveyed, developed a questionnaire, conducted surveys, studied chapter 32B which is the law governing who is entitled to health benefits, and met with the members of the 1991 committee. Met with most of the Town Committees which included the Board of Selectmen, Town Moderator, Cemetery Committee, School Committee, Water Districts, Planning Board, Sewer Commission, Board of Health, Finance Committee, Nashoba School Committee, Community Preservation, and the Historic District. Also met with Town Management, Town Counsel and invited Town Meeting Representatives to attend their meetings. There were twenty-four municipalities contacted. It was determined to use the greater Lowell communities who were closest to size to Chelmsford. Chelmsford fell in the middle to lower end in comparison. The stipends ranged from none to $6,000 for Selectmen. Stipend Committees ran from none to almost all. There wasn't a lot of rhyme or reason why some committees received stipends and others didn't. It seemed like it mattered more on when a committee was formed on whether or not a stipend was given. Out of the twenty-four towns surveyed 38% receive no stipends while 62% do. The breakdown is Stipend with benefits 29% Stipend with no benefits 33% and 38% gave no stipends or health benefits. He said that the result of meeting with the 1991 Committee, general public and Town Meeting Representatives, the Committee reached the conclusion that the vast majority didn't want health benefits extended to elected and appointed officials. A large majority (80%) were

in favor of stipends as long as they were fair. Fair meaning the Committees that put in a lot of time and a lot of out of pocket expenses. Committees that put in a lot of time and little out of pocket expenses and Committees that put in no time and have no out of pocket expenses. Also the Committee reviewed Chapter 32B closely, which resulted that stipend elected officials **MAY** receive health benefits. It is the Board of Selectmen who determine this. The Health benefits must be the same across the board for all eligible employees. It's either all or nothing. However, a home rule petition could be filed to the Legislation which could be more specific on what Committee or who would be eligible to receive health benefits. Therefore the Committee's recommendations are: Any stipend should end at the end of the fiscal year. Any health insurance benefit terminated should continue to the end of the elected official's term. The Selectmen should vote "not to offer health insurance benefits to stipend officials" School Committee should be stipend. Only the Board of Selectmen and School Committee members should be stipend. Board of Selectmen and School Committee members should be stipend at $1,500 per member and $2,000 for the Chairman. A separate line item should be used at Town Meeting for stipend officials. The Personnel Board should make an annual recommendation on amounts to be stipend to the Town Meeting. If the Board of Selectmen would like to offer health insurance benefits to elected stipend officials at 100% plus paid by the employee, they should ask for a home rule petition in the attached format. The Committee used the Town of Sandwich as an example of a home rule petition. "Section 1. Notwithstanding chapter 32B of the General Laws, part-time elected officials of the Town of Chelmsford who receive a salary or a stipend shall be eligible for participation in the Town's contributory health and life insurance plan. Part time elected officials who receive a salary or a stipend and who elect to pay 100 per cent of the cost of the official's participation in the Town's health and life insurance benefit plan, plus any administrative costs that may be assessed by the board of Selectmen, may be considered eligible to participate." He then thanked the Town Manager, Jeanne Parziale the Town's Personnel Coordinator and Town Counsel John Giorgio for all their help and guidance. The Body responded with a round of applause.

The Moderator asked if there were any questions, hearing none, the Manager then asked that the Solid Waste and Recycling Task force give their report. Marc Grant, Chairman of the Committee came forward. He began by listing the members of the Committee: Susan Gates, Peter Dulchinos, Donald Van Dyne, Elaine M. MacDonald, and Alison Powers Douglas Drake, Jr. He also thanked Jennifer Almeida the Town's Solid Waste Coordinator for all her time given to this committee. He listed the goals of the Committee which was to gather information as to the anticipated effects of a basic service pay as you throw (PAYT) program. To review the town's solid waste by-law and Board of Health Regulations to determine if any changes are required to be implemented. To consider the weekly collection of recyclable materials and explore grant monies and other assistance to start and operate a program. To investigate the implementation and operations requirements for a basic service PAYT program. He gave an outline for a 32 page report that was available. He showed slides related to the cost and funding of the solid waste program. He showed a slide that generates the amount of household trash. He indicated that trash is going down and recycling is going up. He went over the different options that the Committee reviewed. Each showed the cost per household Option 1 was not to change at all. Option 2a was to have a three barrel limit. Option 2b was to have a two barrel limit. Option 3a was to provide basic service along with a two barrel PAYT.

Option 3b was to have basic service with a one barrel PAYT. He listed the advantages and disadvantages for all the options. He said basically what is good for the environment is the most costly. He went over the five recommendations as a result of the options reviewed. Two barrel basic service (option 3a) – 2 barrels/week paid for through property taxes; additional trash disposed using specially marked 32 gallon bags costing about $1.50 ea. He showed the size barrel and the marked bags that would be used. The Committee recommended that the plan should be implemented starting in FY09 (July 2008), provided a detailed implementation plan is developed and education efforts are conducted during the next six months. The Chelmsford Code sec 137-4 (D) (1) should be clarified as to the amount to be dedicated exclusively for solid waste programs. The Committee found that some people thought that the original 1992 override amount as incremented not the $1.65 million (now it is $2.3 or so million) that was the amount that had to be dedicated to solid waste recycling programs. If that amount wasn't used then the funds couldn't go into the general funds it had to go back to the taxpayers or somehow go into other solid waste or recycling programs. That is not the opinion of the Town Counsel. His opinion is that the $1.655 million is the amount that has to remain dedicated. Any excess and there has been excess go back into the general fund. That is why the Committee recommends that any unallocated solid waste program funding should be used for solid waste program improvements. The Committee looked at four types of curb side improvements. One of the improvements would be more curb side pick ups of what is taken to drop offs, such as scrape metal, tires etc. This would avoid citizens giving up a Saturday, having to drive to the recycling site, sitting in long lines. Or increase the number of the drop offs days. Or allow curbside pick up. This is all reflected in the report. The final recommendation would be to amend that Chelmsford Code sec 201-54(C) should be revised to adjust the weight limit for trash containers from 80 lbs to 60 lbs. That way it would agree with the hauling contract. The rational for requesting this system is "the four E's". Environment, Economics, Equity, and Ease. The Body responded with a round of applause. The Moderator asked for questions. Marianne Paresky asked if there were appropriate containers available for the senior citizens or disabled citizens. Jennifer Almedia said that there are options available. Brian Latina asked if the committee considered the amount of trash that is acquired when there are handicaped people in a household, this would be more then the two barrel limit. Marc Grant said that at this point the Committee had not gone into these types of details but he was sure that special options like this will be considered before anything would be implemented. Karen DeDonato asked if the oversize item per week would still be allowed. Yes it would. She said if the household size was considered. Hers is a household of six and she would go over the limit. He said that most systems do not adjust for special circumstances like hers. It could become complicated to the hauler. Perhaps free bags would be distributed by the Town to those types of households. Howard Hall questioned if the system with one person and a special barrel was considered. Marc Grant said that this would be something that could be addressed at the time when the contract came up. Richard Maloney questioned if the Committee had used data from other towns regarding the systems. Yes they had.

The Moderator asked if there were any other reports. The Manager said that Community Development Director would report on the burying of the utilities underground in the center. Evan Belansky thanked the Body for their warm reception. He then highlighted the history of the projected. It had started in October of 1998 and

through the years articles have been passed to allow improvements towards implementing the project, the most recent being in October of 2006. He said that the Town has obtained sixty voluntary easements, there are fourteen to go. The Selectmen voted to initiate eminent domain on two properties. He showed a slide of the remaining addresses that the Town needed easements from. He then showed the surcharge collections and expenditures through December of 2006 from Verizon and National Grid. Verizon had began collections in 2002 and had collected $827,120 expended $641,783 and has a balance of $185.337. National Grid began collecting in 2001 and had collected $3,913,158 expended $491,618 and had a balance of $3,421,540. The Town will have a meeting with the utility representatives to discuss options to expedite the construction process. Verizon has indicated that they need $1 million dollars before they will commence their work. It will take another five years before this is achieved. It was thought that phases may be done instead of waiting to do the whole project at once. Joel Karp said that when this project was first brought before the body it was estimated that it would take five years to complete. Does the Town have the option to basically cancel the project? Take what ever money is left unspent after expenses with credit electric bills or give back to the town to put back into its surplus. Town Counsel Richard Holland said he wasn't familiar with the contract and felt that he couldn't give a definitive answer at this time. Joel Karp if the meeting was to go on next week could an answer be given then. Counsel said he would attempt to do so then. It would depend on what the termination terms are on the contract. Evan Belansky also said that the planned meeting is to be with the executives of the companies up until now it has only been communicating with the engineers. George Ripsom questioned what was the status with National Grid? Evan Belansky said that National Grid is ready to begin now, they have the funds.

The Moderator asked if there where further questions hearing none. The Manager came forward and gave his report. The first was in regards to the North Chelmsford Water and the DPW Garage site issue. He reported on the various issues involved. The tank has been removed and the soil tested. Results showed a minor problem below the DEP levels for cleanup. Soil trnasported to Brox for use in pavement mix per DEP guidlenes. Regarding the excavated materials stockpile: roughly 2/3's of the pile was screened and crushed for a total expense of $90,000. Now it is being used as processed gravel in sidewalk, drainage construction and maintenance projects, remaninder of the pile to be removed in the winter. The stormwater mangment practices issues: Two areas created to intercept stormwater exiting the site onto Richardson Road. Both areas direct stormwater to a vegetated bio-detention area. This winter the Town intends to route roof runoff to infiltration areas. Regarding the vehicle maintenance and cold vehicle storage building and wash garage issues all recommendations have been implemented. The Town will continue to periodically sample the onsite wells and material stockpile. Tests to date have not shown volatile organic compounds orginating from the site. Test for perchlorate showed levels below detectable limits. The employees and supervisors are aware of the sensitive nature of the operation. The Yard is swept more frequently and less materials found along roadsides are returned to the site. Next he talked about the Town's public golf course known as the Chelmsford Country Club. It was acquired in July of 1995 and has a management agreement of three years with Sterling Golf Manangement good through December 31, 2008. The Town receives minimum of $30,000 a year. 8% of the first $300,000 of gross receipts. The Manager devotes 2% of gross revenue to Capital improvements. The revenues received for

calendar year 2006 was $37,975 and calendar year 2007 through September is $27,898. The function hall and pub is under Sterling. It pays rent of $750 a month. The Manager pays $7,500 for capital expenditures during the three year lease period. His final report was in regards to the Chelmsford Forum Ice Skating rink. This is a State facility that the Town has a 20 year lease with the Commonwealth. The Town has a operating agreement with Facility Management Corporation until June 30, 2008. The Town is responsible for major capital improvements, including roof, structure and systems. He showed a slide with the revenue summary showing the revenues and expenditures and the year end balance of $496,294. He emphasise that there is potentially $1 million dollars worth of possible capital improvments. The ice is forty years old. The parking lot and roof have had numerous repairs. He is in the process of putting together a capital investment plan to address these issues, which will be used when the twenty year lease comes up at which time the Town would have the option to acquire the facility at its appraised market rate price which would be discounted because of the Towns improvements.

The Moderator asked if there were any further reports, hearing none he proceeded to the next article. Karen Kasolowski moved that the Body take Article 17 out of order in order for it to be heard tonight. Seeing that all the abutters and owners of the parcels in the article are at this meeting, she felt it would be best to address it tonight and to make it the next order of business. The Moderator asked for a show of hands on the motion to take Article 17 out of order, **motion carried.**

UNDER ARTICLE 17. Billy Martin moved that the Town vote to amend Chapter 195-3 Official Zoning Map, of the Chelmsford Zoning By-Law by changing the zoning of 44, 68, 70, 76, 80 Billerica Road from RB to RC.

Kevin Ross proponent of the article made a presentation to the Body. He is a life long Town resident and his property is one of the ones mentioned in the article. He explained that his apartment in his two family was in need of repair. He went to the Building Inspector Anthony Zagzoug to talk about remoulding. Anthony Zagzoug went to the site and viewed the property. He said because of the zone the property is in and the set backs and how close the old homes are to the road the property is in RB zone and he must comply with that zoning. Kevin Ross said he pulled permits and tore the apartment down to the ground and built it right. He then decided to see how to change the zoning so his deed would legally say two family. After speaking with Andrew Sheehan he said if he changed his property it would be considered spot zoning. Even though the other parcels surrounding his do not meet with the requirements of the RB zone regarding the setbacks, sidelines etc. A correction would have to be made to the master plan. According to Andrew Sheehan there is no money available for a master plan study to be done in the near future. Kevin Ross said that Andrew Sheehan advised him to put forth a petition article and bring it to town meeting and let the Town decide. He said it's no secret that the neighbors on either side of him do not see eye to eye with him. Has a good relationship with the neighbors across the street. Kevin Ross said because there are no guidelines regarding zoning changes he didn't think it was necessary to get the other property owners signatures on the petition. He went to the neighbors in the area who have lived on the street for a long time and would be adversly affected by this and got their signatures. He said that they were aware of it. He felt that this is a change that is needed to be consistent with the rest of the neighborhood zoning. This is what needs to be looked

at. Not because he didn't get the other property owners signatures. He showed zoning maps from 1963, 1977 and the present. It reflected the changes made surrounding the properties but theirs remained RB. He just wants to be in the right zone as the rest of the neighborhood. He felt that if this article was to pass the properties are already built out and there won't be any big change to what is currently there. There is a fear that what might happen is if a house was knocked down and replaced with a four story, forty four foot long rooming house. This was not his intention; therefore, he didn't see any harm being done if this passes. He asked the Representatives to do the right thing and vote to allow this change because it needs to be corrected and he shouldn't have to go through the Town boards for permission to do so. It should be based on merits and that a correction needs to be made. Not on the reason that some property owners didn't want to see it changed. The Moderator asked for questions. Hearing none he asked for the Board's recommendations. The Finance Committee did not have any recommendation. The Board of Selectmen did not recommend the article, based on the Planning Boards recommendation. Susan Sullivan Chairman of the Planning Board read the Boards recommendation: the Planning Board forwards a negative recommendation against the proposed amendment to rezone the property from RB Single Residence to RC General Residence. The Board found that the proposed rezoning was not supported by the respective property owners of the petitioned lots and that the petitioner could pursue other zoning options based upon the grandfathered status of the lots. Gloria Markarevich, Kathleen Murphy and Linda Daley came forward and said that they were the owners of the properties listed on the petition. Gloria Markarevich said that they were opposed to the article. They did not sign the petition nor were they contacted by anyone who had signed it. It does not include all the RB properties on Billerica Rd. Plus the fact that the petitioner would not sign a covenant as asked by the Planning Board which would have eased the neighbors concerns. They felt that all zoning changes should be done through the master plan process and this would assure that any zoning changes would be done for the benefit of the Town and not just for the personal gain of one individual. She asked the Representatives to think how they would they feel if someone was to rezone their property without their knowledge. Sandra Bard of Billerica Rd spoke in favor of the rezoning felt that the zoning should be the same. David Bard of Billerica Rd spoke in favor of the article. He said the houses are of the same time period and same lot sizes, he can't understand why there should be any discussion. It would be more responsible for the Town to rezone it. Michael Duggan of Billerica Rd spoke in favor; he said it made more sence to rezone it. As it stood now it looks like spot zoning with these properties being in the RB zone and everything else is being P or RC. Brian Latina said he wasn't given enough notice to study the issue, and by him voting no didn't mean he was against Kevin Ross presenting this issue. In the past a house in the center was re-zoned after two separate attempts at Town Meeting. He encouraged Kevin Ross to come back again if the article is in fact voted down. He feels that the system does work and Representatives do listen. The Moderator asked if there was any further debate. Hearing none he asked for a vote by way of a show of hands, **motion defeated**.

UNDER ARTICLE 2. Selectman Samuel P. Chase moved that the Town vote to appropriate **$1,210,179** from Free Cash to the Stabilization Fund.

The Town Manager explained that this is an annual article. Money will be put into the stabilization fund then transfer out of it in order to fund some upcoming articles. Joel

Karp asked if there was any trash surplus money included in the free cash. The Manager explained that approximated $93,000 was left. Joel Karp asked how this would affect the current trash by-law. If there is any surplus it is supposed to go back to the taxpayers, according to the 1992 override. Jeff Hardy asked if the leaf pick up collection could be restored. The Manager explained that there are no logistics in place at this time. It may change in the future with future alternatives. Karen DeDonato questioned why this appears before the articles being funded. She doesn't understand how money can be placed in the "savings account" then pay bills. It just didn't make any sense. The Manger explained that this is the procedure. It makes spending more accountable. It takes a 2/3's vote to put money into the Stabilization Fund and 2/3's vote to take it out. If the money was to come from free cash to pay for items or projects then a majority vote is all that would be needed. A 2/3's vote shows more commitment to a project. The Moderator asked for the Finance Committee's recommendation. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Joel Karp moved to amend the article with the following wording. "Be it resolved that the surplus trash funds in the amount of $92,788 be transferred to pay for trash removal in 2008". The Town Counsel ruled this motion out of order. He felt that is was not in the scope of the article. Joel Karp said he wants trash money to be used just for trash and nothing else. He said then that at the Spring Town Meeting he would reduce the amount transferred to the stabilization fund. There was no further debate. The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously.**

Joel Karp wanted to establish a Town Committee which is allowed under the Town's Charter. The Moderator said that this should come up under debate which he will do at the debate section of the next article.

UNDER ARTICLE 3. Town Manager Paul E. Cohen moved that the Town vote to transfer **$27,793** from Special Revenue to the School Department, said funding coming from E-Rate reimbursements.

The Manager explained that this is an article that appears every year. This is a fund that was established by the Telecommunication Act of 1996. It funds technology assistance to the schools grade K through 12. The Finance Committee recommended the article. The Board of Selectmen recommended the article.

The Moderator then explained that Joel Karp wanted to revise the Town Meeting rules and procedures. The Moderator then read Joel Karp's motion to the Body:

A committee of the Town Meeting shall be established to review all rules and procedures relating to the operation and functioning of Town Meeting. Such report shall be made to the Spring 2008 Town Meeting. Such Committee shall be known as the Town Meeting Review Committee. Each Precinct shall select one member from their membership to serve on said Committee. The Board of Selectmen shall designate one of its members to serve on the Committee. The Town Manager shall serve on the Committee. The Chairman of the Committee shall be elected by the Committee and shall be one of the Precinct Representatives that holds no other elected or appointed position in the Town. The precinct elections shall be held no later that November 20, 2007 and filed with the Town Clerk by November 28th 2007. The Town Manager shall make adequate

resources available for the collection of information and other reasonable expenses the Committee may incur. Access to Town Counsel shall be made available as required. The date of the first meeting shall be December 4, 2007 7PM 50 Billerica Rd Chelmsford,

The Moderator asked Joel Karp to explain his reasoning. He felt that a committee should be formed in order to review the present rules and procedures of Town Meeting. Other issues had been recently reviewed such as the Charter and stipends. It has been twenty years since this has been done and felt it was time. The Moderator clarified the time period and said it was last done in 1990. The Moderator asked if there was any need to hear debate concerning this motion hearing none he asked for a vote by way of a show of hands, which left the Chair in doubt. The following tellers came forward and a hand count was conducted: Dorothy Frawley, Thomas Gilroy, Janet Holmes, and John Maleski. **Result Yes 48 No 57 motion defeated.** The Moderator then asked if there was any debate under article 3. Hearing none he asked for a vote by way of a show of hands **motion carried.**

UNDER ARTICLE 4. Town Manager Paul E. Cohen moved that the Town vote to raise and appropriate **$20,500.00** to pay the tuition for a Town of Chelmsford resident to attend the Minuteman Regional High School in the Minuteman Regional Vocational School District.

The Town Manager explained that this the educational assessment tuition fee required for a Chelmsford Student to attend a vocational school outside of the town's district because there is no program available at Nashoba Vocational High School. It is a State law that the Town must adhere to. It will be planned for in the future.

Glenn Thoren asked if there is any reimbursement for this. No it is State mandated. Frank Grynkiewicz asked what would happen if it's not paid. It would come off our State Aid at the end of the year. This cost was not factored into our School Departments budget for this fiscal year. It will be next year. Pamela Armstrong said that Nashoba does have a health course and asked why doesn't the student attend there? The Manager explained that through conversations the student more then likely a special needs student and it was felt that the Minuteman Regional program fit the requirement needs better than Nashoba. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried.**

UNDER ARTICLE 5. Town Manager Paul E. Cohen moved that the Town vote to transfer from the Stabilization Fund **$22,148.00** to pay the following bills of previous fiscal years as invoiced by Suez Energy Resources NA, Inc. for utilities purchased from April-June 2007:

- Police Department: $17,447
- Council on Aging: $4,701

The Manager explained that this is the electric bill from the previous fiscal year for the months of May and June. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any

debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 6. Town Manager Paul E. Cohen moved that the Town vote to transfer from the Stabilization Fund **$586,638** and appropriate from Sewer Enterprise Fund Free Cash **$20,969** to amend the Fiscal Year 2008 operating budget under Article 4 and Article 5 of the Annual Town Meeting held on April 30, 2007 for the payment of salary and wages for municipal personnel through June 30, 2008, as follows:

Article 4: Increase Line Item #1 (Municipal Administration Personnel) by $91,906
Increase Line Item #5 (Public Safety Personnel) by $284,875
Increase Line Item #7 (Public Works Personnel) by $93,664
Increase Line Item #11 (Cemetery Personnel) by $36,322
Increase Line Item #13 (Community Services Personnel) by $35,253
Increase Line Item #15 (Library Personnel) by $44,618

Article 5: Increase Line Item #1 (Personnel Services) by $20,969

The Manager explained that this is a matter of funding the end of the year fiscal pay periods. Recent budgets did not include the extra days, the money comes from the next fiscal year. It is not uncommon but he feels that all compensation earned in a fiscal year should be charged to that fiscal year. It would allow the Town to show the true costs involved. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 7. Town Manager Paul E. Cohen moved that the Town vote to amend the Fiscal Year 2008 operating budget under Under Article 4 and Under Article 5 of the Annual Town Meeting held on April 30, 2007, as follows:

Decrease Line Item # 8 (DPW Expenses) by $5,000
Increase Line Item # 10 (Sewer Commission Expenses) by $5,000.

The Manager explained that this is a basic transfer. The Sewer Commissioners do have actual expenses that do not belong in the Sewer Enterprise Fund which is used to fund the sewer operations. It should be under their line item. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 8. Town Manager Paul E. Cohen moved that the Town vote to recind the excess borrowing appropriation of **$589,000** as approved for the purchase of Red Wing Farm under Under Article 19 of the Annual Town Meeting held on May 2, 2002.

The Town Manager explained that this is a housekeeping article to remove the authorization of borrowing from the Town's books. The Town had initially received permission to borrow $750,000 for the purchase of the Red Wing Farm. There was a

possiblility that a grant would be recived from the Route 3 Widening Mitigation Fund. After that vote, the Town did receive a grant from the Executive Office of Enviornmental Affairs in the amount of $580,000. However, whenever the Town applies for bonds in borrowing it still shows on the Town's books as a borrowing authorization and this article would remove it. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 9. Town Manager Paul E. Cohen moved that the Town vote to transfer **$25,000** from the Community Preservation Fund Open Space Preservation Reserve for the purpose of open space preservation activities, including capital improvement projects for publicly accessible open space properties, including improvements to Chelmsford Land Conservation Trust parcels.

Robert Morse Chairman of the Community Preservation Committee explained that this is the first of two articles before the body. This article would allow the open space stewarts to achieve funding for capital projects to improve the open spaces through out the Town. Boy Scouts and Girl Scouts could also apply for these funds in order to approve the various areas. The Chelmsford Land Conservation Trust has filed an application to request $8,000 for stone wall and granite stair masonry work at Bartlett Park. He showed slides done by Eagle Scouts of improved sites. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 10. Dwight Hayward asked that the reading of the motion be waived. The Moderator asked for a show of hands on the motion. **Motion carried, unanimously.** Robert Morse explained that this is a long awaited open space project. It is land that was a horse farm formerly owned by Walter Lewis. When he passed away it was inherited by his grandchilden George and Linda Dole who live in Sherburne Falls, Ma. They asked the Town if we would be interested in owning it. It is two parcels of land for a combined total of 22 acres. Frontage on Robin Hill Rd and Acton Rd. It is currently leased land for farming and agricultural use. Also a horse stable was leased on the property previously but now the stable is currently vacant. It is a beautiful piece of property. He showed slides of the property to the Body. The property was appraised for $1.7 million dollars, the owners were willing to reduce from the appraised price to $1.4 million dollars and take the rest in charitable donation which will help them reduce their tax burden. The Town would also pay $20,000 in closing costs. The total cost financed would be $1 and a half million dollars. 50% would come from open space fund and undesignated fund ($750,000) and 50% from bonding over five years $750,000. This would result in a average payment of $180,395 per year at 5% bonding rate. Approximately 18% of CPC funding for FY2008 and 11.8% of CPC funding for FY 2009. The CPC Committee recommends keeping the leases for agricultural use, plus try to lease the horse stables. Scott Glidden asked if there would be plans for community purpose of the land? Such as community gardens etc. Yes any type of open space use allowed under the open space law would be considered. Due to the fact that the negotiations just finished about a week ago, there are still unanswered questions regarding the current leases. Once the funding is achieved by the vote of this article then

more discussions will take place prior to the proposed future closing date of early 2008. Also the possiblility of using certain portions of the property for leaf drop off. If this were to pass, would the Town be obligated to the terms of the present leases? Town Counsel responded no. Options could be open. Marianne Paresky asked Counsel who would get the lease money? The Town or Conservation. The Town would get money for the general fund. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Paul Gleason asked if the Town would be returning for future borrowing for this project. The Manager said no. This article would be the only vote needed. The Moderator asked again if there was any debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.** Robert Morse thanked the Body the article reads as follows:

Town Manager Paul E. Cohen moved that the Town vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, two parcels of land, one of which is bordered by Acton Road, shown as Lot 36 on Assessor's Map 109, Block 421, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 11165, Page 157, and the other is bordered by Robin Hill Road, shown as Lot 32 on Assessor's Map 109, Block 421, and more fully described in a deed recorded with said Deeds in Book 11155, Page 6, said parcels to be held for the purpose of open space; to authorize the Board of Selectmen to convey a perpetual conservation restriction in said parcels that meets the requirements of G.L. Chapter 184, § 31, as required by M.G.L. c. 44B, § 12 (a), as amended, and further to appropriate a total of **$1,500,000** to fund said acquisition, including related appraisal, survey, and legal costs, and all other costs incidental and related thereto; and, to meet said appropriation, transfer **$198,041** from the Community Preservation Fund Open Space Reserve Account, transfer **$551,959** from the Community Preservation Fund Reserve for Expenditures Account, and borrow **$750,000**; and authorize the Treasurer with the approval of the Board of Selectmen to issue bonds and notes therefore pursuant to General Laws Chapter 44B and Chapter 44, sections 7 or 8, or any other enabling authority; and further authorize the Board of Selectmen to take all actions necessary to acquire said parcels.

UNDER ARTICLE 11. Town Manager Paul E. Cohen moved that the Town vote to transfer from the Stabiliization Fund **$85,000** for the purpose of funding feasibility studies for the planning and construction of a new Fire Department Headquarters and for the planning and construction of a new Department of Public Works Facility with a recycling center.

Patrick Maloney, Chairman of the Fire Department DPW Facilities Study Committee. The purpose of this article is to ask for funding for a feasibility study to move the project along in order to bring back information fin order for the Body to examine and make decisions regarding the project. He listed the members of the Committee. The Committee's purpose was to establish a capital facilites plan for the fire and public works facilities. Explore possible efficiences in the construction of a combined Fire Department Headquarters, Departament of Public Works facility. Examine public safety and financial benefits that may be obtained by consolidation of the Town's five fire stations and research the possible establishment of a recycling center within DPW. He went over the pros and cons. The research of combining a Fire

Department and DPW did not work out. This would require a 12-14 acre piece of land which is not available. Also because of a study done regarding the need for five fire stations. There was a benefit of combining equipment storage and purchasing of materials. He listed the DPW's issues and inadequacies. Currently the DPW is scattered through the Town with different facilities. It would be beneficial to have all under one roof. The buidlings are not ADA compliant. There is limited public accessibility. Poor, unsafe working conditions exist regarding ventilation, lighting, unsanitary conditons and building code deficiencities which are currently grandfathered until major renovation takes place. He showed slides of the current DPW facilities. He showed the Sewer Division's leased space and it has drawbacks. He then went over the Fire Departments Headquarters issues and inadequacies. There are structural deficiencies, Non ADA compliant. Lack of storage. Poor living quarters. No training facility. Current lot size is too small for any expansion. Technology is out dated. Future building modifications are not feasible. The buiding is located in the Historic district. He showed slides specifiying the existing problems. He discussed the study that was done concerning the present fire station locations. Basically due to having two major highways dividing the Town there is a need for the five stations to be opened. Possibly locate the Headquarters to the Drum Hill Area. He explained what a feasibilty study would do. It would analyze existing facility deficiencies. Examine future equipment or operational trends. Interview staff/prepare data sheets. Prepare draft space needs program. Finalize space needs programs compare industry standards. Prepare site and floor plan concepts. Prepare building elevations. Prepare mechanicals electricial structural narratives. Prepare detailed conceptual cost estimates. Compare to recent bid similar projects and provide materials for educating the public. It would take three to four months and the cost would be $85,000. The funding would allow the Committee to go on and come back sometime in the future with good adequate information. Marianne Paresky asked if the Committee had looked at the State site on Drum Hill. Yes, they had but at this point the State is unsure if this would still be used to maintain Route 3. Did they look at the Glenview Sand and Gravel site? Yes, but it is filled property and not properly capped. Too much expense and work needed to be done in order to build on it. Mary Franz wanted to know what happen to the $17,000 appropriated at the Spring Meeting. There is a little amount left, most of it went towards the Fire Station locations study. There is a balance of $7,390.00 left and it will go towards the feasibility study. She was concerned if this would be money well spent and would it be the right time to move forward. Patrick Maloney said that money spent on the study would be well worth it. It would allow the Committee to have a good idea of what the overal cost would be for the project. Whatever information is gathered from this study could be put aside and brought back for use if the Body decided to wait and address this matter at a future date. Joel Karp expressed concern about not being accurate in the cost because of past history. Patrick Maloney felt confident that the study would result in a accurate cost. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Bill Griffin asked for permission to show a presentation justifying the need for this study. While he was setting up Tom DiPasquale asked what the time frame would be. If this could be done or started within the next three years. Patrick Maloney said it could. The Town Manager explained that the Board of Selectmen, Finance Committee, School Committee and Town Departments are working on Developing a Comprehensive Capital Plan as well as an operating budget for the next five years. This would look at taking on these types of projects and work within the

budget for funding them. William Griffin gave his presentation. It showed the interior of the buildings and the conditions for storage etc. Marianne Paresky expressed concern with the Glenview Sand and Gravel site and what it has done to the Black Brook area. Dennis Ready made a motion to move the question. The Moderator asked for a show of hands, motion carried. The Moderator asked for a show of hands on the article. The Moderator **declared that the motion carried by recognizing the 2/3's vote by-law.**

Selectmen Philip Eliopoulos moved that the meeting be adjourned until Monday 7:30 PM October 22, 2007 at the Senior Citizen Center. Motion carried, unanimously. The meeting adjourned at 11:20 PM.

Dennis E. McHugh, Moderator	Elizabeth L. Delaney, Town Clerk

ADJOURNED FALL TOWN MEETING
October 22, 2007

The Adjurned Fall Town Meeting was called to order at 7:30 PM at the Senior Center on 75 Groton Rd. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **133** Town Meeting Representatives present. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. The Town Manager came forward and introduced and welcomed Dr Donald Yeoman the new Superintendent of Schools to the Body. Dr Yeoman came forward and spoke saying he was very excited to be in Chelmsford and to be a new member of the Community. Since arriving the last week in June he has met roughly 4,000 students and their parents and lots and lots of citizens. He is looking forward to working with the Town Manager, the School Committee, the Board of Selectmen, and the Finance Committee to solve some very difficult problems and knows that there will be a bright and positive future. He thanked the Body who responded with a round of applause.

UNDER ARTICLE 12: Town Manager Paul E. Cohen moved that the Town vote to amend Under Article II, §1-2, of the Chelmsford Code by adding the following new subsection §1-2.A.(4): "When enforced through this noncriminal disposition procedure, the penalty for violation of any Town Bylaw, Rule or Regulation shall be as follows: $100 for the First Offense, $200 for the Second Offense, and $300 for the Third Offense. Each day upon which a violation exists shall be deemed to be a separate offense."

The Town Manager explained that this basically means to allow the implementation of non criminal disposition. The Historic District wants enforce to the rules and regulations of the district. After consulting with Town Counsel it was suggested that this would be the most effective option. To file a criminal complaint against a violator would not be an effective tool because of the backup in courts today. However, in order to use a noncriminal disposition procedure there has to be specific penalities listed in order to be effective. It is not meant to be a way of raising revenue. More then likely the first offense would be a written warning then after that the fines would go into effect. He asked that this be voted in order to have a specfic penality schedule in order to use this as an option for the community. Dennis Sheehan spoke about making the first offense a written warning because it seems harsh to enforce a high penalty on residents who are businessmen. The Manager said he would not be against an amendment being made. Fran McDougall questioned if this could be used against those who violate the sign by-law, such as in the past election. The Town Manager explained that Town Counsel had advised the Town that even though the Town has a by-law recent supreme court ruling says we can't put a contraint on free speech and tell someone when they can't put a sign up. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Dennis Sheehan then moved to amend the article by making the lst offense a written warning, the 2nd offense would be $100. third offense would be $200 4th and subsecquent offenses $300. Brian Latina questioned if it was the same sign placed in mutiple locations would that be considered one violation or as many violations as there are signs. Town Counsel said it would depend on when the signs were put up and the time frame, but they could be considered multiple offenses. Brian Latina

questioned if fines are enforced regarding signs. Yes they are enforced but collecting the actual fines is difficult because it is considered a criminal offense and you have to go through the court system which is always backed up in order to enforce the collection. Richard Day questioned if it is necessary to say first offense is a written warning in most cases this is exactly what is done. The Moderator asked for further debate on the motion to amend. Hearing none, he asked for a show of hands on the motion to amend, **motion carried.** He then asked for any debate on the main motion as amended, hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously**.

The Moderator then announced the Town Meeting dates for the following year.

UNDER ARTICLE 13. Selectman Samuel P. Chase moved that the Town vote to transfer the care, custody, management, and control of certain parcels of land located and identified at **12 Bentley Lane**, shown as Lot 6 on Assessor's Map 71, Block 311 containing 0.90 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301 to the Board of Selectmen to be held for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any, held by the Town in all, or a portion of, said parcels; Said parcel shall be conveyed with a permanent deed restriction thereby prohibiting future development of any residential dwelling.

The Town Manager explained that this article and the next one had been before the Body at least three prior times. He said that the Town through the efforts of Selectman Eliopoulos has reached an agreement with the neighborhood by inserting a deed restriction which would prevent development of the property. It is 0.90 acres assessed at $19,500. Two neighbors have expressed interest in bidding on the property. Jodi O'Neil questioned if the residents had the opportunity to review the deed and see the changes. Selectmen Eliopoulos said that he and Selectmen Jeannotte meet with the neighbors and had forwarded a copy of the deed to the person who was heading the group. Nothing has been changed since that copy was sent and he assumed that everyone was in agreement. She asked what the bidding process was and would the land sell for $19,500. No interested parties are asked to submit a sealed bid. There is no set amount required. She asked if it could potentially be sold for $1.00 and the answer was yes it could. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 14. Selectman Samuel P. Chase moved that the Town vote to transfer the care, custody, management, and control of certain parcels of land located and identified at 15 Bentley Lane, shown as Lot 17 on Assessor's Map 71, Block 306 containing 0.69 acres, more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 2153, Page 301 to the Board of Selectmen to be held for the purpose of conveyance, and to authorize the Board of Selectmen to convey, in accordance with Massachusetts General Laws Chapter 30B, for consideration to be determined, all right, title, and interest, if any, held by the Town in all, or a portion of, said parcels; Said parcel shall be conveyed with a permanent deed restriction thereby prohibiting future development of any residential dwelling.

The Town Manager explained that this is the same situation as far as an agreement being made by having a deed restriction put in place. The parcel of land is across the street from the parcel mentioned in the previous article. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 15. Dwight Hayward moved that the Moderator waive the reading of the article. The Moderator asked for a show of hands on the motion, **motion carried, unanimously**. The Town Manager explained that the DPW Director was going to come forward but before that he wanted to make note of the massive improvement that the DPW did in regards to this roadway and thanked the DPW for their efforts. The Body responded with a round of applause. James Pearson came forward and explained that this project resulted in a combination of fixing a lot of situations. The road needed to have a sidewalk installed, a dangerous curve needed to be addressed, and because of two pass floods of May of 2006 and 2007 a covert needed to be replaced. In order to fix the curve a 6,100 foot easement was required. The cost for the taking is $15,128 by voting this article it will give the give the Board of Selectmen authorization to pay for the easement. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.** The article reads as follows:

Town Manager Paul E. Cohen moved that the Town vote to authorise the Board of Selectmen to acquire a permanent easement and/or property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for a portion of a certain parcel of land located on Smith Street in the Town of Chelmsford, Massachusetts, and further described and identified by a plan on file in the Department of Public Works Engineering Division entitled "Smith Street Permanent Right of Way Easement" dated June 25, 2007; and is incorporated herein by reference, for the purpose of constructing and maintaining public roadway improvements; And further to appropriate a total of **$15,553** to fund said acquisition; and, to meet said appropriation, transfer **$6,326.06** from the 1996 Capital Sidewalk Design and Construction Account as approved under Article 3 at the Annual Town Meeting held April 24, 1995 and to transfer **$9,226.94** from the 2007 Capital Sidewalk Construction Account as approved under Article 14 at the Annual Town Meeting held April 24, 2006 to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as the result of any such taking.

UNDER ARTICLE 16. Town Manager Paul E. Cohen moved that the Town vote to amend the action taken under Under Article 27 of the Annual Town Meeting held on April 30, 2007 regarding the street acceptence for "Holly Lane" by approving the name of the roadway as "Holly Drive".

The Town Manager explained that an error had been made at the Spring Town Meeting in the warrant and the article regarding the correct name of the Street for acceptance. It should be accepted as Holly Drive. By voting for this article it will amend the vote to include the correct name. The Finance Committee has no recommendation on the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

UNDER ARTICLE 18. Charles Wojtas moved that the Town vote that the Planning Board, Conservation Commission and Zoning Board of Appeals shall be required to convene at least one joint meeting of the three boards annually, whether in addition to or replacing regular meetings, for the purposes of coordinating town policy positions relating to planning, development, conservation and zoning for the town of Chelmsford. Said meetings shall focus singularly on coordination between the named boards relating to shared policy interests for the coming fiscal year. Any additional joint meetings convened shall focus singularly on improving communication and coordination for the following fiscal years and to reflect on or correct errors in coordination and communication between the three named boards or act in relation thereto.

Fred Marcks who is the proponent came forward and explained the purpose of the article. He said the intention is to encourage the three boards to get together collaborate and comunicate on shared policies because of the impact they have regarding the Town. He cited an example that was discovered by reviewing the Board of Appeals decisions. They had granted at least 78% of their decisions over the last ten years and the impact that these decisions had on the other Boards. The Moderator asked for questions. He asked for recommendations. The Finance Committee has no recommendation on the article. The Board of Selectmen recommended against the article. The Moderator asked if there was any debate. Susan Sullivan Chairman of the Planning Board came forward and read the following statement to the Body:

"The Planning Board appreciates the concerns the citizens have over land use, planning and preservation. It is greatly appreciated that we have such strong support within our community. We are not sure of the intent and or purpose of this warrant article. We would like to take this opportunity to let town meeting know that as the need arises, planning committees are formed to address several issues. These committees are either comprised solely of Planning Board members or Planning Board members along with members from Board of Appeals, Conservation Commission and/or town departments. These committees work in conjunction with and receive input from various departments such as Water, Engineering, Public Safety, Public Health, Department of Public Works and Community Development. All committee meetings are open to the public and often allow for public input. Examples of the committees that have been formed are: the Bylaw Review committee, made up of the Board of Appeals and Planning Board members. This committee would meet with the Community Development Director to review current zoning, and determine if changes or adjustments need to be made to Chelmsford Zoning Bylaws. These changes are regularly brought before Town Meeting for approval. The Affordable Housing Implementation Committee made up from members of the Planning Board, Citizens, Housing Authority and Community Development to review possible sites that would be appropriate for affordable housing (not 40B's) Public Hearings were held to allow public input to the process. The Board of Appeals routinely requests input form the Planning Board for applications that are seeking zoning relief. These are reviewed at public Planning Board meetings, the Community Preservation Committee works with the Town boards in preparing for land acquisitions and future land use planning. The members of all the land use boards are active in their roles as planner for the town of Chelmsford and already communicate with each other to work for a better Chelmsford. We invite you to attend any of the aforementioned meetings, and learn more about the planning for land use, zoning development and open space with Chelmsford. Thank you for your past and

present support of our planning initiatives, Sincerely the Members of the Planning Board." Fred Marcks said that this is not to be misconstrued as suggesting that there is unlimited participation of the Boards or that the public is not welcome. The point is to have better calibration between this Body and the Boards. Karen DeDonato didn't see any problems with having these three committees meet once a year. She sees the benefits that now come from the Finance and Board of Selectmen and School Committee meetings. Brian Latina asked if Fred Marcks had checked with other Towns to see if this is done. No he did not. Brian Latina felt that it was a good idea to have citizen participation and was in favor of the article. The Moderator asked if there was any further debate, hearing none he asked for a vote by way of a show of hands. This left the Chair in doubt the following tellers were asked to come forward: Dorothy Frawley, John Maleski, Thomas Gilroy and Eleanor Gilroy. The result of the hand count was Yes 52 No 72 the **motion is defeated**.

UNDER ARTICLE 19. Charles Wojtas moved that the Town vote that The Board of Selectman shall be required to convene two meetings annually, whether in addition to or replacing regular meetings, for the purpose of planning long term strategic planning for the coming fiscal year. The remaining annual meeting shall focus singularly on long-term strategic planning meant to guide Chelmsford in a sustainable policy manner for periods ranging from five to fifty years or act in relation thereto.

Fred Marcks explained the purpose of the article. This is simply asking that meetings are held by the Board of Selectmen to discuss long term strategic planning. The Finance Committee recommended against the article. The Board of Selectmen recommended against the article. The Moderator asked if there was any debate.

Hank Houle then requested a point of order. He asked if Town Counsel had an answer about the contract with the utility companies in regards to the burying the utilities underground and the Town's obligation on keeping the contract. Town Counsel Richard Holland said that due to it not being an article on the warrant he didn't think it was prudent to search out the answer. Now that the meeting is over he will review the contracts consult with the Board of Selectmen and have an answer in a few weeks and to check with the Town Manager.

The Moderator asked for a vote concerning the article by way of a show of hands, **motion defeated.** The Moderator announced again the Town Meeting dates for 2008.

Selectmen Philip Eliopoulos moved that the meeting be adjourned. **Motion carried, unanimously.** The meeting adjourned at 8:15 PM.

_____ _____

Dennis E. McHugh, Moderator Elizabeth L. Delaney, Town Clerk